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Environmental
Advisory
Council

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REPORTS OF THE FIRST AND SECOND MEETINGS OF PUBLIC INTEREST GROUPS WITH THE CANADIAN ENVIRONMENTAL ADVISORY COUNCIL

March 15 1977
November 21-22 1977

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FOREWORD

For several years, in the deliberations of the Canadian Environmental Advisory Council, there has been recurring concern about the effectiveness of public interest groups in increasing the awareness of Canadians to environmental problems and issues. This concern has been touched upon in the reports of Council* and was echoed by participants at a joint meeting of environmental advisory councils in February 1975. To examine this matter, Council decided to initiate a discussion with such groups, so that the Council would be better able to advise the Minister of the Environment on matters dealing with the environment and the public.

Accordingly, representatives of some 30 environmental non-governmental organizations were invited to meet with members of Council in March 1977. The results of this meeting were considered sufficiently useful that Council sought and obtained the approval of the Minister to continue this association, and a similar though somewhat larger group met with the Council again in November of the same year.

The first meeting provided an opportunity for Council to become better acquainted with the problems and objectives of the public interest groups. At the same time, the groups were made aware of the essentially advisory nature of Council. The diversity of environmental and conservation activities was quickly apparent, as well as the need for concerted action if public interest groups were to be effective voices in the decision-making process. The second meeting, at which the Minister of the Environment supported the need for opinion from the informed public, examined several specific environmental issues and continued the discussion of the responsibility and effectiveness of public interest groups.

It was considered that the proceedings of these meetings deserved wider circulation than simply among the participating groups. Consequently, this report, which contains summaries of both meetings, is intended as a contribution to the continuing debate on the relationship between the voluntary associations and governments in the field of environmental policy and management.

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* *Annual Review 1973-1974*, p. 5; *Annual Review 1975*, p. 3.

TABLE OF CONTENTS

Page

Foreword iii

I. REPORT OF THE FIRST MEETING - MARCH 15, 1977

Participants 1

1. Introduction 3
2. Objectives of the meeting 4
3. Introductory statements by participants 5
4. Public participation and environmental decision-making 12
5. Accessibility to information 20
6. Legal standing on environmental questions 21
7. Funding of public interest groups 24
8. National debate on future energy uses 27
9. Kitimat Oil Coalition 28
10. Assessment of usefulness of the meeting; future action; critique of role and effectiveness of CEAC 28

ANNEX A - Key statements or recommendations made during the course of the first meeting 33

ANNEX B - Agenda 36

ANNEX C - List of participating organizations 37

ANNEX D - Canadian Environmental Advisory Council: curriculum vitae of members; terms of reference; publications 43

ANNEX E - Letter from Canadian Environmental Law Association, regarding lack of legal standing 49

II. REPORT OF THE SECOND MEETING - NOVEMBER 21-22, 1977

Participants 56

1. Introduction 58
2. Address by the Minister 58
3. Statements by public interest groups 59
4. Review of action from the first meeting 60
5. Changing roles of citizens groups in Canada 64
6. Resources available to citizens groups 65
7. National environmental issues

   i) Canadian energy policy 67
   ii) Nuclear energy in Canada 69
   iii) Toxic wastes in Canada 71

8. Effectiveness of governments on environmental problems 74
9. Future meetings 74

ANNEX A - Resolutions and recommendations 77

ANNEX B - Agenda 79

ANNEX C - Briefs submitted by public interest groups 80

I

REPORT OF THE FIRST MEETING OF PUBLIC INTEREST GROUPS WITH THE CANADIAN ENVIRONMENTAL ADVISORY COUNCIL

MARCH 15 1977

PARTICIPANTS IN THE FIRST MEETING

PLACE VINCENT MASSEY, HULL, QUEBEC

MARCH 15, 1977

CANADIAN ENVIRONMENTAL ADVISORY COUNCIL:

Dr. P. Garigue, *Vice-Chairman*
Miss M. Dunbar
Dr. N.H. Morse

SECRETARIAT: Dr. E.F. Roots. Dr. J.K. Fraser, Miss V. Singhal

PUBLIC INTEREST GROUPS:

Mr. M. Bein	Canadian Coalition for Nuclear Responsibility (CCNR)
Mr. H. Boerma	Saskatoon Environmental Society
Dr. David Brooks	Friends of the Earth
Mr. Sean Casey	Energy Probe (Toronto)
Mr. D. Collison	Canadian Environmental Law Assoc. (CELA)
Mr. I. Connerty	Canadian Coalition for Nuclear Responsibility (CCNR)
Mr. Garry Gallon	Society for Pollution and Environmental Control (SPEC)
Mr. Daniel Green	Société pour vaincre la pollution (SVP)
Ms. Terry Green	National and Provincial Parks Assoc. (NPPA)
Ms. Susan Holtz	Ecology Action Centre
Mr. J. Howell	Canadian Arctic Resources Committee (CARC)
Ms. Pat Kariel	Sierra Club (Calgary)
Ms. A. Lancaster	Canadian Environmental Law Assoc. (CELA)
Prof. A. Lucas	Canadian Arctic Resources Committee (CARC)
Ms. Susan Mayo	Ecology Action Centre
Dr. Theodore Mosquin	Canada-U.S. Environmental Council (CUSEC)
Ms. Luba Mycio	Canadian Wildlife Federation
Mr. Bob Nixon	Sierra Club (Winnipeg)
Ms. B. Olivastri	National Survival Institute
Mr. William Otway	British Columbia Wildlife Federation
Mr. Ted Parnell	Yukon Conservation Society
Dr. T.L. Pearson	Nova Scotia Resources Council

Dr. Richard Pharis	Alberta Wilderness Association
Mr. Jean Poulin	Save Tomorrow Stop Pollution (STOP)
Mr. Rick Pratt	Canadian Nature Federation
Mr. Mark Riley	Pollution Probe (Ottawa)
Mr. G.W. Seib	Saskatchewan Natural History Society
Mr. Ray Sloan	Alberta Wilderness Association
Dr. P. Spong	Greenpeace Foundation
Mr. D. Stephenson	IS-FIVE Foundation
Mr. J. Swaigen	Canadian Environmental Law Assoc. (CELA)
Dr. R. Tarn	Conservation Council of New Brunswick
Dr. A.M. Timms	Conservation Council of Ontario
Ms. Joyce Young	Pollution Probe Foundation (Toronto)

OBSERVERS:

Mr. Douglas Miller	Dept. of Energy, Mines and Resources
Mr. Gilbert Savard	Dept. of Fisheries and Environment

REPORT OF THE FIRST MEETING

1. INTRODUCTION

Dr. Garigue took the chair and welcomed the representatives of the Environmental Non-Governmental Organizational (ENGOs). He described the role and structure of the Canadian Environmental Advisory Council (CEAC), pointing out that though the Council is appointed by the Minister of the Environment and supported by departmental resources, it is not a government agency. Its members are not representatives but serve in an individual capacity. The membership is almost entirely non-governmental. He referred participants to the terms of reference contained in the Council publications (ANNEX D). Dr. Garigue emphasized that the CEAC must not be viewed as a spokesman for the Minister, the Department or the government, and it cannot be expected to explain or defend government policy.

Dr. Garigue reviewed the background of this meeting. In 1975, the CEAC, in response to a request for advice from Mme Jeanne Sauvé, the Minister of the Environment, had strongly recommended a policy for support of public interest groups. The Minister had concurred, and had endorsed the draft of a recommended policy which was prepared by the Department. However, approval of this policy had been rejected by Treasury Board. The question has recently been raised again by the present Minister Mr. LeBlanc. The present meeting was organized to provide an opportunity for Council to meet with a representative group of ENGOs, become acquainted with their problems and aspirations, discuss issues of mutual concern and in general to become better able to evaluate the ways by which the Canadian public can contribute to the policy-making process, and how financial support can best be implemented. He stated that Council viewed this meeting as a means to assist it better to advise the Minister on the departmental relationship with ENGOs.

Dr. Garigue explained that the meeting had been called at rather short notice to take advantage of the presence in Ottawa of representatives of many ENGOs for the Canada-United States Environmental Council (CUSEC) meeting. Consequently many CEAC members had been unable to attend. He expressed the regrets of the Chairman, Dr. McTaggart-Cowan. Dr. Garigue introduced Mr. Savard and Mr. Miller, officers dealing with ENGOs in the Departments of Environment and of Energy, Mines and Resources, and asked if there were any objections to their attendance as observers. No objections were raised; and Dr. Garigue welcomed them to the meeting.

The Chairman noted that invitations to the meeting had been made in collaboration with the Canadian co-chairman of CUSEC. This was a preliminary, rather experimental gathering which he hoped would help to develop a closer relationship between ENGOs and the CEAC. He suggested that, if members felt it appropriate, he would invite Dr. Mosquin, Canadian Co-Chairman of CUSEC to share the chairmanship of this meeting.

2. OBJECTIVES

Dr. Garigue tabled the proposed agenda and solicited suggestions regarding the most effective use of the time available. Mr. Gallon (SPEC) proposed that each participating group very briefly outline their main areas of concern and activity, that the assembly discuss how the ENGOs can be most effective, and that the possibility of future meetings be examined. Ms. Mayo (Ecology Action Centre) suggested that some emphasis be placed on examining the role of ENGOs and their relationship with advisory bodies appointed by governments. Mr. Nixon (Sierra Club, Winnipeg) referred to an informal discussion the previous evening at which there was interest in the present and future role of the CEAC. He said that there was a strong feeling that the grass roots concept of the ENGOs should be maintained and suggested that priority topics were involvement of the public in decision-making, and the relationships between governments and public interest groups.

Dr. Mosquin (CUSEC) considered that the minimum objectives of the meeting should be (i) to let the CEAC know clearly and unequivocally the priority concerns of the ENGOs; and (ii) to clarify the relationships between government advisory bodies and ENGOs.

Dr. Garigue warned that the closer the integration of ENGOs with government activities and responsibilities, the greater the danger of the ENGOs losing their independence and thus their credibility. In response to a question from Ms. Mycio (Canadian Wildlife Federation), Dr. Garigue explained that the CEAC had no direct relationship with CUSEC.

The agenda as revised in the light of these discussions is attached (ANNEX B).

3. INTRODUCTORY STATEMENTS BY PARTICIPANTS

Following Mr. Gallon's suggestion, the Chairman invited each participant to give a brief resumé of the objectives and major concerns of their organizations.

3.1 Mr. Boerma (Saskatoon Environmental Society): At present, the society is concerned about issues of *energy and jobs*, the introduction of a *conserver society*, and the specific development issues involved with *nuclear power*. The Society did not agree with the statement in the CEAC annual Review of 1975 that nuclear power is inevitable, and had convinced the Saskatchewan government to hold a public inquiry into the expansion of uranium mining and refining in the province.

3.2 Dr. Timms (Conservation Council of Ontario): The Council consists of a coalition of 33 public interest groups, with very broad interests in the environmental management field. Issues they were involved in include: *Land use planning* and its ramification; results of the *Porter Commission on Electric Power Planning in Ontario; population policy* and environmental concerns in Canada and Ontario; *pollution and use made of the Great Lakes; parks* in Ontario; and *noise* as a crucial environmental issue.

3.3 Mr. Poulin (Save Tomorrow Stop Pollution). The major concern of STOP is *environmental law and its enforcement*. Some of the environmental laws in Alberta are unenforceable and should be reviewed; for example, environmental regulations controlling development of the Athabasca Oil Sands and many provisions of the Clean Air Act can be flouted with impunity. STOP also has an active *public education role*, as in the current Mill Creek controversy, and has produced educational booklets.

Mr. Poulin requested permission to speak briefly on behalf of one group that was not directly represented at the meeting but whose work was pertinent to the agenda. This was the Alberta Energy Coalition. It represents more than 50 environmental groups with some 33,000 members, in western Canada. Its purpose is to *challenge energy policies* that promote high energy consumption or energy-intensive industrial and economic strategies. It is at present concerned with the strategy behind the Berger Commission and the National Energy Board decisions; the fragmentation of the Kitimat issue from its associated pipeline and tanker aspects; the ramifications of continued thermal power development. The Coalition is also pressing for a *Freedom of Information Act*.

3.4 Mr. Seib (Saskatchewan Natural History Society: This society is concerned with *land use policy, uranium development in Saskatchewan,* and how the present policies relate to the *North.*

3.5 Ms. Olivastri (National Survival Institute: The Institute takes a community grass roots approach to *conservation* and *alternative sources of energy, land use* and *food.* It has been involved in organizing *seminars* on land use, environment and employment.

3.6 Dr. Pearson (Nova Scotia Resources Council): The Council has become involved in a wide range of major provincial environmental concerns, many on a case-by-case basis. Three examples were described:

(i) The *Tobeatic Resource Management Area* is affected by a complex development-oriented proposal made in 1970 to build a highway from Digby to Shelbourne. The Council felt that this highway and the resulting commercial authority would ruin one of the last unspoiled areas in the province, and has had some success in promoting a counter proposal. The former game reserve was upgraded into a resource management area. (ii) A strong publicity compaign on the part of the Ecology Action Centre and the NSRC made the public aware of the *spruce budworm spraying* issue, and may have influenced the Cabinet's decision not to initiate a spraying program. (iii) The Resources Council has assessed the actual dollar loss to the economy as a result of the *Wreck Cove hydro power project,* and had been in touch with biologists of the Department of Fisheries and Environment and of National Parks. The impression was that the federal government was "pussy-footing" with the provincial government on this issue. Mr. Pearson recommended that the CEAC brief the Minister on the latest developments.

3.7 Dr. Spong (Greenpeace Foundation): This organization is attempting to develop single-minded solutions to key environmental problems, taking the laser rather than the shotgun approach. Some of the recent or current concerns are: *nuclear weapon testing* (this brought them face-to-face with governments of USA and France); *whales* (confrontation with USSR and Japan); *seals* (Canada, Norway among others). There has been considerable success in the media on this, but no public funding. Future areas of concern will include the question of *nuclear proliferation* and the use of *supertankers.*

3.8 Mr. Parnell (Yukon Conservation Society): Mr. Parnell listed the major concerns of his Society: the effects on the North as well as implications to the southern areas of the *pipeline proposals* being considered by the National Energy Board; *Arctic oil spills;* effect of *Dempster Highway* on the Porcupine caribou herd; *hydro projects* which will flood valleys - the question of tradeoffs between renewable and non-renewable energy resources; *endangered species;* effects of developments in general on the *fragile arctic ecology;* and *land use planning*.

3.9 Mr. Green (Societé pour vaincre la pollution): The SVP organization, with 300 members, is concerned with *nuclear policy issues* and federal/provincial relations regarding *pollution.* It has raised a number of questions with the Québec Environmental Council and with the provincial government on *mercury, nuclear power stations and radiation,* and the Québec *government policy* on environment.

3.10 Ms. Mycio (Canadian Wildlife Federation): The CWF is a conservation organization formed in 1962. Its major areas of concern are *energy-related questions* (Mackenzie valley pipeline; NEB hearings; development of the Alberta tar sands; resource development in the North as it relates to the Arctic Wildlife Range, tanker routing, terminal developments such as Kitimat; oil pollution); progress in saving or managing *endangered species* in Canada; problems related to *National Parks* (e.g. the Sunshine Village affair); *forestry* matters, (currently involved with the Reed Paper Company issue in Northern Ontario); action to promote a conference on *national forestry policy; hydro* projects (e.g., the Garrison Dam project); *sealing and whaling* controversies; *land use* (e.g. the Suffield military range); *public education* through publications (promotion of National Wildlife Week, pamphlets on wildlife careers); *wildlife* concerns (CWF has compiled a list of endangered species available on request). The Federation has a *wildlife information service,* which is used by schools and the public, and also supports scientific research of wildlife.

3.11 Mr. Casey (Energy Probe): This group is part of Pollution Probe Foundation. Its primary purpose is to bring about *sensible national energy policies.* It has intervened in some major *pipeline hearings,* is opposed to *nuclear power* expansion, and believes *energy conservation and renewable energy* programs should be actively followed in Canada. Energy Probe is planning to build a *"ecohouse"* in downtown Toronto which will demonstrate environmentally appropriate living in a fully urban setting. It lends its support to groups across the country in connection with the promotion of renewable energy development. Like the Saskatchewan Environmental Society, Energy Probe disputes the CEAC statement that expansion of nuclear power is inevitable.

3.12 Mr. Nixon (Sierra Club, Winnipeg): The major concerns of this group include the *Garrison dam project*, issues of *land use planning*, *the Polar Gas pipeline*, and the development of *nuclear power* in Manitoba. The Sierra Club is opposed to the CEAC statement that nuclear power is inevitable. Attention has been focussed on educating the public. The Sierra Club believes that change will be effective only if it is started from the bottom. Mr. Nixon recommended a legal scrutiny of existing *provincial and federal environmental laws* with a view to determining their enforceability or changing them where they are unenforceable. The Sierra Club tries to force the government to answer questions that it usually dodges about environment, resources and consumerism.

3.13 Mr. Swaigen (Canadian Environmental Law Association): The main goal of the Association is the implementation of an *environmental bill of rights* throughout Canada. Associated concerns include the development of a mechanism whereby the *costs of bringing environmental concerns before the courts* can be brought within reason, the rights of the public to *class actions* regarding environmental damage, *right of standing* to appear in courts, the right to a *clean environment*, and of access to environmental assessment procedures, right of *access to information*, and public participation in *setting environmental standards."* The example of the Elora Gorge case was described, in which the public was denied legal standing. Mr. Swaigen acknowledged the widespread support from organizations and individuals across the country, including many represented at this meeting, in this landmark legal case.

3.14 Ms Green (National and Provincial Parks Association): The general objective of the Association is to ensure the *protection and preservation of parks*. Present concerns included opposition to a major commercial expansion of *Sunshine Valley* ski area in Banff park; establishing *new national parks* in Saskatchewan and Manitoba; development of a *parks policy* in which emphasis is on the clear acknowledgement of preservational and recreational objectives, and the reconciliation with present parks design. The Association intends to present this policy to Parks Canada. It feels that it is important for some public interest groups to strike at a higher level than on specific issues, and to become involved with policies themselves.

3.15 Mr. Gallon (Society for Pollution and Environmental Control): This is a citizens' environmental group with 2000 active members in 18 branches. Its major priority is *to spot problems and raise the public awareness.* It is a citizen's action group, not a research or planning organization. Some of the issues it has been involved through lobbying in are problems of *recycling, preservation of farmland, coal mining in B.C., preservation of fishing areas, pesticides and educational programs. Energy questions* are a major concern: some specific projects are the "save the Fraser Campaign", West Coast oil ports, Kitimat (SPEC feels that it is responsible for "ringing the bell" on this question, which led to sufficient public unrest to bring about the forthcoming hearings), and some expansion plans of B.C. Hydro.

3.16 Prof. Lucas (Canadian Arctic Resources Committee): CARC is a national organization with the purpose of promoting responsible northern resources policy- or decision-making, and studying the consequences of these policies on northern development. While activist, its main role is that of investigation and the dissemination of information. Its main concerns are the decision-makers regarding *pipelines and resource exploration* - what information do they use; what importance is accorded to land use, local residents other resources. CARC participated in the Berger hearings and had obtained three years funding for a research scientist to act as advisor to the western Arctic native rights group, the Committee for Original Peoples' Entitlement (COPE). The Committee has emphasized authoritative information, scientific and policy research, publications, and the organization of conferences. At present, CARC is conducting a major research project on *northern land use policy and decision-making.*

3.17 Ms. Young (Pollution Probe Foundation, Toronto): The Pollution Probe Foundation is concerned with raising funds for the various activities of Pollution Probe and its affiliates. Pollution Probe (Toronto) has had a long-standing confrontation with the Ontario Government concerning *non-returnable or non-biodegradable items* (cans, styrofoam cups, throwaway razors). It is waging a fight against *over-packaging* ("Operation Boomerang"). It has won a local battle regarding disposition of *toxic wastes in wells* and is currently pressing a campaign on the *Niagara fruitlands* issue. Ms. Young chided the Department of Fisheries and Environment for serving coffee that morning in styrofoam cups.

3.18 Mr. Riley (Pollution Probe, Ottawa): In addition to having its own program, Pollution Probe, Ottawa acts as an access lobby for other ENGOs to approach the federal government. They provide the public with what they feel is reliable information, including publications such as the NUKE, SUN and WIND books. Other areas of concern are *energy, urban growth, wastes* as a landfill problem. It has issued handbooks, e.g., "Living well in times of scarcity". It has no source of funds and operates on a voluntary basis. Mr. Riley maintained that if the Department of the Environment is sincerely committed to improving the environment, the local groups can work positively for government policies towards this end, and not be only opposing or confrontational.

3.19 Ms. Holtz and Ms. Mayo (Ecology Action Centre): Ecology Action Centre is involved in a wide variety of rural and urban environment issues, including *recycling*, the *budworm spray* question, and issues concerning *transit* and urban development. It is also involved in all aspects of energy policy, and is especially concerned wih promoting *energy conservation* and *renewable energy*. The Centre is opposed to nuclear energy, and believes in promoting discussion at the public level. The Centre has been involved in a 4-month legal intervention with the Nova Scotia Public Utilities Board regarding the rate structure for electric power in Nova Scotia. At a public hearing, the Centre proposed a rate based on marginal cost principles. The Centre distributes information, answers questions and utilizes a sympathetic media to put across its message. Ms. Holtz believed that the role of public interest groups must be to provide top quality information and opinion. The Centre has become explicitly concerned with the quality and characteristics of the process that occurs in all its activities. Ms. Mayo stated that Ecology Action Centre has two underlying principles: (i) to work as a finely tuned information and communication network at all levels, from the Premier's office to the grass roots level; and (ii) to be a responsible "counter weight" to organized groups with vested interests in commercial development of energy and industry. The Centre was not opposed to industrial activity, but felt that the people and the environment should have priority over dollars of profit.

3.20 Mr. Pratt (Canadian Nature Federation): This is a national body in the field of natural history information, knowledge, and concern. One of its main themes is *conservation* of our natural heritage. It has intervened on a number of issues, e.g., Grasslands National Park, Suffield Range, Mackenzie Valley, spruce budworm, etc. The Federation has tried to provide assistance to local groups. The Federation publishes *Nature Canada* and *Canadian Conservation Directory*, runs a nature bookstore, organizes conferences on major natural history or conservation policy topics.

3.21 Mr. Stephenson (IS-Five Foundation): The major concern is to provide *positive action programs* through which opportunities would be available for better lifestyles. This organization interprets the *concepts of the Conserver Society* as developed by the Science Council, and sees a serious need for *better communication* with government bodies as well as between ENGOs. It hopes to serve as a "clearing house" for information on changes that must be made to a more environmentally and socially responsible life style.

3.22 Mr. Otway (British Columbia Wildlife Federation): The Federation consists of 150 local branches with a total membership of about 20,000. It is concerned with the *nature and management of wildlife* at the provincial level as well as, in concert with the Canadian Wildlife Federation, at the national level. It was involved in the Royal Commission on *forest resources*, took part in a review of *fish* and *wildlife* regulation, is concerned with proposed *coal* and *hydroelectric developments* in the province, with the degradation of *estuaries* and with the *Kitimat proposal*. Another activity of the Federation directly concerns the federal Department of Fisheries and Environment; they are seeking *amendments to the Fisheries Act*.

3.23 Dr. Tarn (New Brunswick Conservation Council): The three major preoccupations of the Conservation Council at present are *spruce budworm spraying*, *energy developments* and *land use*. The *spruce budworm spraying program* currently affects four million acres. The Council has kept this issue before the provincial government and the public; it has agreed that control measures are needed, but has stated since 1969 that aerial pesticide spraying is only a stop-gap measure that does not solve the problem and leads to increasingly severe side-effects. These views are now generally being accepted and are supported by scientific work of the federal government. The Council is now calling on the provincial government to set a deadline for the introduction of alternate methods of forest pest control, with complete cessation of aerial pesticide spraying. The energy activities of the Council include an educational and publicity campaign on *energy conservation;* as a result, the latest Speech from the Throne announced the creation of a post of Energy Conservation Co-ordinator; however, no policy has yet been developed. The Council has been active in pressing for an environmental impact statement to be made public with regard to Canada's first *liquified natural gas facility* near Saint John; they also want public information on *oil shipments*. It is concerned that the full range of environmental effects of *tidal power development* be considered, and that information on various alternatives is available to the public before the initial decision to develop is made. *Agricultural* and *urban land use* are other areas of Council concern; it has consistently promoted the use of environmental impact statements and the holding of early public meetings.

Ms. Young noted that this round-the-table summary showed the large degree of overlap of interests and activities between groups. In some ways this was a point of mutual strength, for it helped to confirm priorities and show the widepread nature of environmental problems and public concern; but it also may show the need to avoid becoming ineffective through duplication. It was agreed that, in the interest of saving time, the ENGOs could discuss among themselves mutual concerns arising from these summary statements, and that the meeting proceed directly to a discussion of the role of the public in policy-making.

4. PUBLIC PARTICIPATION IN ENVIRONMENTAL DECISION-MAKING

Dr. Garigue stated that policy-making in the environmental field is in the long run a reflection of the socio-economic values of the people in the environmental dimension. There was, on the average, agreement between average public desires and policies. The problem is how to translate that agreement into the legal-institutional area in such a way that the kind of environment that the public wants will be protected for the future, and resources or constraints on mis-use will be available to make it possible to enjoy that environment. There is a tendency in Canada to localize trends and problems into concret issues, in contrast to other countries where political philosophies dominate the attention of the public on such issues. Thus in Canada, our environmental problems are not as yet subjects for party politics; our brand of democratic system does not address them. CEAC is concerned about how federal/provincial/local levels of government can work in a complementary and integrative fashion to develop optimum environmental policies.

Briefs by CEAC to the Minister of the Environment have emphasized that

a) environmental questions will only be solved if there is full recognition of them by the public, and that ENGOs are essential to reach the public and focus its interests;

b) the ENGOs are with a few exceptions faced with rapid turnover of interests, active workers and staff, due in part to a lack of resources, and in part to a lack of a real recognition of their role;

c) it is difficult to obtain significant results in policy-making with respect to the environment unless the problems are viewed and acted upon at the ecosystems level - the area of action must be at least as comprehensive as the ecosystem to be affected - but due to the segmentation of Canadian society and government, comprehensive action to manage or protect related parts of an ecosystem is very difficult. Thus Canadian environmental policies, however well oriented, tend to be conflicting and contradictory. Because of the variety of ecosystems existing in Canada, it is imperative to develop integration and coherence in policy-making. This inevitably involves many departments and usually several levels of government jurisdiction.

The CEAC has discussed these problems with departmental officials in an endeavour to identify an integrated, non-segmented and non-conflicting environmental value system. The involvement of the public in the decision-making process is one of the keys to the solutions of environmental issues in Canada. The ENGOs have a responsibility to take the initiative here; if they wait for and follow government leadership, or confine themselves to reacting to government decisions, they will be missing their chance to help develop coherent policies. The CEAC has studied earlier attempts to create an organization or "umbrella" for citizen's groups. It is willing to support the idea of a federation of environmental groups so that problems among ENGOs across local to federal levels may be examined.

Mr. Green raised a number of points. There are various levels of public awareness and communication: (a) The Québécois, for example, have not been as involved as other publics in environmental issues and thus lack experience. It is difficult to conceptualize the problem areas, partly perhaps because the public has not thought much about them; (b) Québec would find it difficult to participate in a federation of environmental groups, since it is involved in different levels of activities than the country-wide system. A solution for environmental problems that involved direct action in concert with other parts of Canada would not be applicable to Québec; (c) Raising of funds and subsidies for environmental activities is much more difficult in Québec, and government funding has different implications for the Québec ENGOs.

Dr. Garigue said that models of public associations already exist in Québec, which the Québec government had agreed to fund while they maintained their autonomy. The Québec social welfare field was an example where non-government organizations played a strong role. He felt it might be useful to try to apply the existing models in the environmental field.

Mr. Gallon thought that the problems were not as serious and the differences not as great as Mr. Green perceived. There were many areas in which the various groups could cooperate on national and provincial issues. The environmental issues in Québec are as many and as varied as in British Columbia. Mr. Gallon felt that environmental issues tend to be ignored on the excuse of social and economic priorities whereas in fact they are part of them. Mr. Green agreed that collaboration could be increased. Ms. Olivastri complained that the groups have been preoccupied with discussions about national federation. She felt that it would be more beneficial to assemble more often, as they are doing today, and hold a meeting with multi-purpose objectives. Since November 15, a number of pro-federal, pro-Canada groups have emerged. The environmentalists should try to capitalize on this movement, engage in the debate and make environment one of the concerns in the overall concern about the country.

Mr. Parnell discussed the problem of time in addressing environmental issues. There is seldom enough lead time available, resulting in a 'crisis management' approach to a problem. For example, the Berger inquiry could have issued guidelines which could have been developed into a mandatory procedure for issues affecting federal or more than a single jurisdiction, such as: (a) sufficient lead time to allow ENGOs to organize, conduct research, obtain funds, provide information to the public and make presentations at the hearings; (b) an independent commissioner with power over the process of information gathering and hearings; (c) guaranteed rights of public involvement in development decisions; (d) informal processes, so the public will not be barred on the grounds of cost of intervention or lack of legal standing. He stressed that public funds should be available at the discretion of the commissioner for public interventions, or funds allocated to ENGOs through an independent body (he suggested, for example, CEAC).

Dr. Mosquin and Ms. Green suggested that the priority concerns of the ENGOs as expressed so far could be summarized as follows:

a) environmental and social impact of large energy schemes and of policies encouraging excessive consumption of energy and materials;

b) need for organization and action by citizens at local and regional levels;

c) lack of resources available to ENGOs for research and action;

d) access to the courts on environmental issues;

e) access to government information;

f) concern over land use policies and planning; and

g) need for public education.

Ms. Green suggested that resource planning and decison-making about the environment needs a different philosophy than in the past. It should require *an examination of all possible alternatives* and not simply a comparison of all *proposed* alternatives.

Mr. Nixon noted the importance of local and regional action, and strong awareness among the groups that the only road to success is through local involvement. He felt that this was in part because the federal and provincial governments have, through neglect or policy, destroyed groups acting on a more regional or policy level, leaving local action as the only course open.

Ms. Holtz felt strongly that local and regional action has traditionally been most successful but pointed out that national policy can thwart regional or local policy, sometimes inadvertantly. She felt that it was important for ENGOs to get "beyond" local issues.

Mr. Green suggested that the formula for public funding be expanded to provide grants to ENGOs to conduct inquiries. He was critical of the lack of advertisement of publications from federal government departments, many of which had information that the public wanted and needed.

There should be some procedure whereby the public is more effectively made aware of the results of environmental studies. He remarked that Québec is developing an energy policy and that there is need for a clearly understood federal one that is compatible.

Dr. Mosquin criticized what he termed the Department of Environment policy to reject public disclosure of information and public participation. For example, he cited the decision to review major problems internally through the Environmental Assessment and Review Process (EARP). The Berger Commission hearing was an exception. His concern ran in both directions - the CEAC, for example, is not obliged to bring the concerns of the ENGOs to the attention of the Minister, and the Minister or the Department is not obliged to disclose their information. Mr. Parnell agreed that there was a need to take environmental assessment processes outside government departments. He felt that there should be a regularized procedure making it mandatory for information to be made public prior to the review of projects.

Dr. Garigue replied that the CEAC was aware of these problems. He reminded the groups that the CEAC is not part of the Department. Nevertheless, he hoped that the CEAC could help to bring the concerns of ENGOs to the attention of the Minister and the Deputy Minister, and act as a constructive critic of Departmental policies. He reminded the meeting that the problems listed by Mr. Mosquin were indicative of the weakness of the process of public participation in Canada. They were not specifically environmental problems, but environmental questions could well provide the means of improving public participation processes.

Dr. Spong, commenting on the concept of this meeting, was pleased at the good response. He questioned the criteria used in choosing the groups, noting that there was only one representative from Québec, none from Newfoundland and none from the native groups. He felt the representation should be broader in future. He wanted to know which Ministers of the Environment had accepted the proposal that there should be more public participation in the policy-making process. Dr. Garigue replied that Mme Sauvé had expressed concern, that she had accepted the proposition made by the CEAC, she had instructed her Department to consider alternative mechanisms for involving ENGOs, and had sought funds for support of public interest groups. Though he could not speak for the present Minister, he believed that he too was sympathetic. He believed that the Department itself was very conscious of the need for public participation in environmental questions. But all Dr. Garigue could promise was to ensure that a

fair report of this meeting would be presented to the Minister along with the Canadian Environmental Advisory Council's recommendations for action.

Mr. Riley agreed that obtaining information was a major problem faced by ENGOs, as well as how to use information most effectively. He pointed out that while ENGOs are seldom neutral, neither are the so-called experts who approach the issues with their own predetermined values. The ENGOs are specialists in local problems and are as qualified as the other experts in making value judgements regarding life styles or social values. *They are the experts in determining what values they seek.* Therefore the scientific and policy specialists must realize that the public has a proper right to make such judgements and express their preferences on the basis of their pre-determined values. Mr. Riley conceded that funding was important, but said that it could damage the credibility of groups when they obtain paid staff who tend themselves to become a group of "experts". This creates another bureaucratic level and may discourage the grass roots linkage. It will be difficult to determine which groups should receive consistent support. If funding is designed to provide continuity, there is an danger of establishment groups being created. It may be preferable to lend some support to new ENGOs springing up in response to particular issues.

Dr. Tarn said that environmental problems could not be looked at within Canada alone, nor were all of them due to Canadian federal or provincial policy, or the lack of it. Where differences in environmental standards exist between the United States and Canada, leading to pressures on the Canadian environment because it may be easier to undertake potentially damaging activities in Canada, there should be a 'levelling mechanism' to remove the international pressure on the Canadian environment. He took as an example the port developments of Saint John. Dr. Tarn thought that one of the reasons for inaction on, for example, conservation issues was a *lack of leadership in Canada at the provincial and local levels,* a tendency to wait for others to act. He felt that if procedures could be established to make information on new proposals available to the public earlier, and not only in terms of dollars and jobs, there could be enthusiam for new directions of development, a constructive approach to preserving and enchancing the environment and better use of resources. Environmental assessment ought to indicate better ways of doing things, not just constrain the bad ones. But the whole idea needs greater public awareness and involvement if it is to have public support. Mr. Nixon observed that the concept of self-assessment of environmental impact, as inherent in the EARP, was ridiculous.

Mr. Boerma said that the strength of the CEAC apparently depends on the confidence it enjoys with the Minister. He suggested that even though ENGOs may develop a channel of information through CEAC to the Minister of the Environment, it would still be a one-way street since the ENGOs are unaware what projects are being planned by the various levels of government. By the time a project comes to the public attention, it is too late and too expensive to consider alternatives. ENGOs should get involved in long-term planning and examine the kind of society we want 25 years from now. For example, an interdepartmental task force is examining energy prospects for the year 2025. Though expressions of public opinion are intended to be sought in the final report, this is not good enough. Why is the public not to be approached before the report reaches its final stage?

Mr. Swaigen questioned commitment to the principle of public participation by the Minister of Fisheries and Environment. He asked the CEAC to request the Minister for an undertaking not to bring to court citizens who were protesting the seal hunt this spring, as was done the year before.

Mr. Gallon identified three objectives to which he hoped this meeting would contribute. The first was to bring about federal government acceptance of the necessity for a National Environment Protection Act, which would include an Environmental Assessment Process. EARP at present is inadequate as it concerns itself only with projects with federal involvement. The second was to bring about a Freedom of Information Act. This he felt was essential to responsible environmental policies. The third was quite frankly to obtain funds for environmental groups. The Ministry of Urban Affairs and the Department of Consumer and Corporate Affairs had secured legislation to protect the interests of consumers, and under that they developed arrangements to fund citizens' groups in the departmental interests, but the Department of the Environment had no comparable mechanism. Mr. Davis, the first Environment Minister, had rejected the idea of funding ENGOs. The Department's powers were few and on the periphery of major issues, yet its concerns were central. Mr. Gallon reminded the participants that an earlier attempt to form a national environmental association had absorbed all the dollars available, and doubted the usefulness of a central coordinating body. He suggested instead a semi-annual meeting of groups with some sort of board to dispense funds allocated by Treasury Board. He noted that it was the larger bodies with wide-ranging interests that provided continuity to the citizens' environmental movement, and that they were most in need of sustaining support;

but he recognized that in some instances smaller grass roots groups responding to specific issues would be more effective. SPEC has found a need for both types of groups and Mr. Gallon believed there must be recognition by government that support must not destroy variety.

Mr. Lucas asked whether his impression that the role of the CEAC was to be a neutral transmitter of information to the Minister was correct. Was it neutral or did it become a protagonist?

Dr. Garigue explained that the role of the CEAC was advisory. This meant that at times it advised by transmitting information, or by bringing things to the Minister's office. At other times it was critical, or urged that a particular position be taken. Its impact depends upon being able to convince the Minister that certain things are important. The strength of a recommendation of Council comes from the decisions of a group with widely differing backgrounds and expertise. The Council concerned itself with all areas of environmental importance, not just subjects within the activities of the Department or the jurisdiction of the federal government. Sometimes Council was more concerned with what was not being done than with what was being done. For instance there is no more reason to link environmental priorities to fisheries or forestry, which are Departmental responsibilities, than there is to link them to energy and mining, which are responsibilities of another federal Department and of the provinces. He had just heard many groups at this meeting indicate that "energy" is the number one environmental problem. Thus CEAC is very concerned about energy policy, and it will bring those concerns to the Minister, even though energy policy is not the responsibility of the Minister of Fisheries and Environment.

Dr. Tarn and Mr. Nixon regretted that the CEAC recommendations to the Minister and minutes of Council meetings are not disclosed. Mr. Parnell and Ms. Mayo received unanimous support for a statement that *"the CEAC bring to the attention of the Minister that the considered opinion of the public interest groups at this meeting was that the recommendations of the CEAC to the Minister be made public"*.

Dr. Garigue told the representatives that in most cases the Minister had agreed to requests to make information public. However, the Council's authority to release documents depends in each instance on the Minister's approval. The Council is an advisory and not a decision-making body, and the Cabinet decision on the Council's terms of reference would have to be changed if Council wanted to become a body whose debates and conclusions were public. Mr. Green remarked that the Quebec environmental advisory body was obliged to make its deliberations public.

5. ACCESSIBILITY TO INFORMATION

Dr. Garigue opened the meeting to discussion of the issue of public accessibility to information.

Mr. Nixon proposed a motion to the effect that the participating ENGOs are in favour of federal legislation involving the principle of freedom of information. Considerable discussion ensued. Some representatives suggested that such a motion be more specifically related to the environment and human health; others felt that it was essential that such legislation should encompass all government documents. There was agreement and desire that action to ensure freedom of access of information had to go beyond the responsibilities of the Department of Fisheries and the Environment, and that the intent should be to reverse the presumption that "all government documents are considered to be restricted to government unless designated otherwise". There was general acceptance that public access to government information should stop short of questions where national security were involved, but no consensus on who should set the limits or what to do if unrestricted information resulted in unfair economic exploitation. The complexity of the problem was exemplified when one participant freedom of information bill. Members felt that openness of information would pose no problem for government operations and many benefits; this was demonstrated most successfully in Sweden. "Government could operate in a fish bowl if it took the plunge" (Holtz). Mr. Otway summarized part of the discussion, proposing that

> *"CEAC should indicate to the Minister that the ENGOs feel strongly that every government document should be public unless it involves national security. The Minister of Fisheries and Environment should bring forward or support in Parliament a Freedom of Information Act".*

After further discussion, Dr. Garigue synthesized the content of the opinions expressed in the following terms, which were agreed to as a fair representation

i) the effectiveness of ENGOs in addressing environmental issues is constrained by the inaccessability of information held by governments;

ii) it was difficult, and perhaps mistaken, to attempt to frame a formal resolution at this meeting regarding how to correct this situation; but it was important to express the strong concerns of ENGOs on this subject;

iii) all members of CEAC should be made aware of the concern of the ENGOs and the minutes of this meeting should reflect the importance attached to the present difficulty of access to information. It was hoped that in the light of these concerns, CEAC would consider making recommendations to the Minister.

Mr. Mosquin took the chair at this point.

6. LEGAL STANDING ON ENVIRONMENTAL QUESTIONS

Mr. Swaigen explained that an individual cannot resort to court action if the injury felt by him is also felt to the same extent by the general public; in such cases only a government body can sue. For example, if a violation of laws resulted in a denial of livelihood for fishermen, an individual fisherman would be refused the right to compensation because he did not have any *specific or exclusive right* to the fish or the fisheries in the first place. He suggested that CEAC should ask the Minister to approach Cabinet or the Attorney General to take steps to ensure that no one should be denied access to court action solely on grounds that the damages sustained are the same as those sustained by other members of the public. Dr. Mosquin proposed that Mr. Swaigen write a letter to CEAC incorporating the groups' concerns in this area, and making recommendations which could be forwarded to the Minister. Mr. Bein (Canadian Coalition for Nuclear Responsibility) considered that "proof of safety" rather than "proof of harm" was an important related issue. He felt that the whole foundation of most common law, i.e., that a person be allowed to do what he wishes until someone else proves that he is hurt by it is inappropriate to environmental protection or responsible use of resources. Thus the basic principles, as well as specific laws, required a fundamental re-examination. Mr. Lucas agreed that the burden of proof at present is on the party which claims the environment would be damaged. But if one wants to prevent future damage, how does one 'prove' that the damage would take place? He thought that this part of the law should be reviewed to see whether it was feasible to place the burden of proof for environmental safety on the party that initiates the act. Mr. Swaigen agreed to draft a letter as suggested, and said he would include the recommendations

that the onus should be on the proponent to prove that changes do not affect the safety of the environment. Mr. Green felt that attention should be given to the problem that irreversible damage may be going on while court or EARP procedures were in place. It was tempting for developers to drag out legal procedures. He also wondered whether it is possible to include, in the cost of environmental damages, the costs of putting the environment back into equilibrium? Mr. Otway observed that the state of Montana had legislation which went some way in that direction.

Regarding Mr. Green's first point, Mr. Nixon stated there was a further serious problem which beset environmental cases in court. At present, a proponent for a development can sue the objector for revenue lost or increased costs because of delays through an injunction or court procedure. This was enough to break any ENGO or individual of the desire or ability to take a developer to court on grounds of damage to the environment.

Mr. Bein observed that the present legal rules are circular and led nowhere in resolving environmental protection responsibility. He and Ms. Green felt that the only way to make progress was for the *government to obtain the power to act when there is reasonable doubt about the future safety of the environment* and not to depend only on court action based on identified damages to persons or property.

Dr. Mosquin suggested that CEAC ask the Minister to propose that the Canadian Law Reform Commission be asked to study these problems. Dr. Garigue stated that CEAC had already approached the Ontario Law Reform Commission, and hoped to schedule some meetings. Ms. Lancaster pointed out that the OLRC is involved in a study of class action with regard to environmental matters; a report is due soon. It will not however deal with the question of "standing".

Mr. Poulin pointed out that the whole question of legal responsibility for environmental matters could not avoid difficult problems of federal-provincial jurisdiction. In Alberta provincial laws are in general dominant in environmental matters; some federal laws, e.g., the Clean Air Act, could over-ride the provincial ones, but whenever challenged, the federal government defers to the provincial to avoid a jurisdictional quarrel over a single case. Yet the provinces are loath to accept overall responsibility. The result is that in every case all the polluter has to do is paperwork and he wins, and in every case the environment loses.

Dr. Garigue remarked that CEAC had been in touch with the Environmental Advisory Councils of each province (except Ontario, Newfoundland and the Territories, which do not have them - *Secretariat*). He recommended that the ENGOs should each approach their own provincial Advisory Councils on this matter, as well.

Mr. Lucas was strongly against another comprehensive review of environmental law legislation. There had already been several. He believed it would be more useful to study particular problems in more depth, e.g., access to information, class action and legal standing.

Mr. Green, reporting that the Government of Québec had tried unsuccessfully to bring an industry to court, wondered how class action would apply when a government was the plaintiff on behalf of the people. Mr. Swaigen said that class action was a procedural tool employed in seeking damages, but not very useful in obtaining an injunction. Nevertheless class action cases could be benchmarks in environmental law in cases of health damage. Native groups can benefit through class action though it is difficult to coordinate their claims. He suggested that the CEAC recommend to the Minister that class action be available in the environmental field. Mr. Lucas objected to changing the rules on class action unless the rules on standing were changed as well. Mr. Parnell suggested that there should be an increased use of court injunction to control operations that had perceived environmental damages.

It was agreed that Mr. Swaigen would write a letter on behalf of ENGOs requesting the CEAC to approach the Canadian Law Reform Commission (through the Minister if appropriate) asking them to investigate the situation regarding standing and class action in the Canadian courts with respect to environmental concerns and damages. CLRC should be asked to consider the appropriateness of legal changes that would place the burden of proof of environmental safety on any one who initiates an action that may impact the environment, rather than placing the onus on those who may be harmed, or who feel that the public may be harmed in the future, to prove that the environment would be harmed by the action. The suggestion should also incorporate the question of considering whether the cost of re-establishing the environment to a situation prior to disturbance can be included legally as an element of the cost of the disturbing action. (ANNEX E).

7. FUNDING OF PUBLIC INTEREST GROUPS

A number of points related to funding of ENGOs were discussed. Dr. Mosquin raised the underlying principle of accepting financial support from government, in particular core funds for administrative purposes. He recognized that all groups wanted money; but were there any real reasons for *not* being funded by government? Mr. Green conceded that there was at times a dilemma: if an organization increased its effectiveness by increasing its membership it would have to provide increased services to members, thus requiring an expanded secretariat and expenses which would demand additional government support. This situation could not help but place the group in a dependent position and thereby decrease its effectiveness. Mr. Poulin, Mr. Riley and Ms. Mayo were not in favour of depending on government money for the main project work of ENGOs, although they were agreeable to limited core funding. They felt that government funding for projects that might oppose governmental decisions may put both ENGOs and government in an ineffective position. Ms. Mycio felt that core funding put an ENGO into a delicate position. Ms. Young and Mr. Gallon, on the other hand, were willing to bend the principle of independence, and felt that, when an organization was granted money, the "strings" were not as tight as often feared. Numerous groups are in desperate need of funds for day-to-day operations and would welcome support whatever its source. Groups are not always opposing government; in fact if they were more secure they might be more effective at supporting good policies instead of concentrating on opposing bad ones. ENGOs must compete with educational and social welfare organizations for grants from business and industry, and are often at a disadvantage because they either depend on short-lived emotional interest, or urge changes that are seen by business and industry to be destructive of profits.

Issue or project funding has been more successful than core funding. Funds have been made available to public interest groups in the form of contracts to gather information, or to support interventions. There are stumbling blocks in the process - inconsistent policies, the adversary position of government, a lack of appreciation of the competence of ENGOs and suspicion about their potential contribution.

Mr. Green noted recent instances in Québec where federal or provincial support had been terminated apparently because the interest group was being funded by the other level of government. Mr. Boerma and Mr. Riley felt that legislation could make it possible to set aside funds for public representation to express opinions on environmental issues that affect the public. Mr. Poulin suggested that the cost of interventions by groups be considered tax deductible, as is done for industrial proponents.

Dr. Garigue referred to European countries where public funds are provided to citizens' groups on the basis of provision of *services for the public good.* He thought a similar concept might be applied in Canada, where the protection of the environment could be considered a public duty, and funding allocated for organizations that rendered services in this connection.

Mr. Casey noted that lack of funds was constraining long term projects by ENGOs. He observed that the Department of the Environment should seriously consider contracting out to ENGOs a number of the continuing studies it would normally conduct within the Department. There was a circular problem; ENGOs were not felt capable of long-term work, so were only granted support on an issue-by-issue basis which made them incapable of long-term work.

Ms. Mycio said that the Canadian Wildlife Federation had been unable to provide funds to support interventions to the Mackenzie Valley pipeline hearings, but by pooling limited funds and expertise from and on behalf of several groups, an umbrella secretariat was organized and the most effective use made of available resources.

Mr. Otway pointed out that the State of Montana had established a formula for providing funds for an impact assessment study whereby the proponent company is required to post a deposit to ensure that the studies are carried out to the satisfaction of the government. The B.C. Wildlife Federation takes the position that when a proponent can be identified, then the proponent, not government, should pay the costs of environmental review by public interest groups.

Dr. Pharis proposed a scheme whereby federal funds for administration and operations be made available to bona fide ENGOs on a basis of matching funds from donations and contributions attracted elsewhere. Dr. Spong doubted the wisdom of this idea of matching funds, saying that an ENGO with a large membership would receive an undue grant from the government, and that there should be no strings attached to grants and that groups might tend to modify their programs in order to get funds. Mr. Casey felt experience did not support this; Energy Probe, for example, goes to oil companies for support, but does not compromise its stand on energy. Mr. Parnell felt that core funding tended to encourage sloppy administration and planning, but Mr. Gallon believed that there would never be enough funds to create this situation. He pointed out that some ENGOs are by now real experts at raising funds. Organizations could usually get project funding, but core funding was critical. He also felt that there was need to support the service to ENGOs as well as funding ENGOs themselves. For example, the DFE liaison for ENGOs (represented by Mr. Savard) had recently been cut to half strength.

There was considerable discussion about the mechanism for allocation of federal funds, resulting in agreement on the need for some central body with considerable independence to co-ordinate needs, allocate resources, and ensure consistent accounting. There was a feeling that CEAC should help in this area. Mr. Stephenson pointed out however that CEAC had already taken up the cause of ENGOs; it should not be put in an administrative or fund allocation position.

Dr. Garigue warned that the ENGOs should not depend only on the CEAC to advocate their case for financial support. He pointed out that the Department of National Health and Welfare provided one and a half million dollars on a continuing basis to a private interest group, on the basis of the public service it provided; and that Consumer and Corporate Affairs gave $150,000 to an NGO for a single information-gathering project. The environmentalists should not hesitate to try different approaches. They should never let themselves get dependent on a single organizational solution to funding. He assured those present that if they desired the help of CEAC in approaching the Minister about funding, CEAC would help as far as it could. But he felt that first the ENGOs should examine what they want funds for, consider how much they are willing to re-organize to get support, what price in loss of independence if necessary they are willing to pay. Mr. Connerty (Canadian Coalition for Nuclear Responsibility) observed that even though two former Environment Ministers, Mme Sauvé and Mr. Marchand, had agreed with the principle of public funding, Treasury Board had rejected the proposal as being of low priority. The main task is to convince the Minister that funding of ENGOs is in the public interest and that he should fight more strenuously for acceptance of the principle by Cabinet. Dr. Garigue replied that the Minister must evaluate priorities on a national basis. Environmental issues have declined in relative political importance, making it more difficult for the Minister to promote environmental issues in Cabinet. One must attempt to examine how much an apparent decline in the importance of environmental issues may be ascribed to a lack of ministerial interest or leadership, and how much to the economic climate in the country or to other political events. Public and media interest tend to be cyclical. Each of us must accept some blame for the lack of success in environmental decision-making.

Mr. Swaigen summarized the discussion regarding funding:

i) the CEAC should approach the Minister again, urging him to reappraise the matter and suggesting that support of ENGOs is in the public interest;

ii) a central independent mechanism is required for allocating and administering funds;

iii) core funding as well as project funding appears to be essential;

iv) issue funding should include resources to permit ENGOs to intervene at major public inquiries, funds to be adequate to the situation;

v) Proponents of a project should bear ultimately the costs of interventions.

All present agreed with this summary.

Mr. Pearson noted that the CEAC should bring to the attention of the Minister that these summary statements form a consensus of the considered opinions of representatives of some 221,000 concerned citizens. This is a very large, and generally informed and concerned constituency.

Several groups, however, agreed with Mr. Riley that careful statements to the Minister may not be enough to have an effect on Cabinet or Treasury Board, even if the Minister of Fisheries and Environment is sympathetic. He felt that what ENGOs needed to do was to start a multi-point lobby making clear to the Prime Minister and several Ministers that present government actions and priorities do not accurately reflect the true situation in the country, and there were serious political consequences if policies and priorities did not come closer to real issues and real feelings.

8. NATIONAL DEBATE ON FUTURE ENERGY USES

Mr. Boerma, seconded by Dr. Spong, presented a motion:

> "The representatives of environmental groups participating in the meeting urge the Canadian Environmental Advisory Council to reconsider its view expressed in the 1975 *Annual Review* that "increasing numbers of nuclear plants would appear to be an inevitable development" (p.17); and to make the strongest possible recommendation to the Minister of Fisheries and Environment that the federal government initiate an immediate national debate on Canada's future energy uses, such a debate to take the form of a public inquiry or commission similar to the Mackenzie Valley Pipeline inquiry headed by Justice Berger;

> and because decisions of Canada's future energy policies will determine the very nature and future direction of our society as a whole, the debate should include all segments of Canadian society and be preceded by adequate and fully balanced widely distributed public information".

This motion was put to a vote and *carried* (24 for, one opposed and three abstentions). Observers and members of the Canadian Environmental Advisory Council did not vote.

9. KITIMAT OIL COALITION

Mr. Gallon asked for the support of the ENGOs for the action taken by SPEC in forming the Kitimat Oil Coalition. The following statement was unanimously supported:

> "The ENGOs present support the action and initiative of the Society for Pollution and Environmental Control in forming the Kitimat Oil Coalition, and emphasize the urgency of organizing broad public support for the environmental questions to be dealt with at the public hearings on the proposed Kitimat oil terminal".

10. ASSESSMENT OF USEFULNESS OF THE MEETING; FUTURE ACTION; CRITIQUE OF THE ROLE AND EFFECTIVENESS OF CEAC

There was general agreement that there should be another meeting of ENGOs with the CEAC, but a need was expressed to form a small ad hoc executive to formulate statements and positions to be presented, and to assist with the organization. Dr. Pharis proposed that the next gathering should be more representative of the full range of citizens' environmental groups in Canada. Mr. Green suggested the next step was to compile a comprehensive list of ENGOs, essentially bringing up-to-date the list produced by the Department of Environment 18 months ago. He hoped that the CEAC would undertake to finance the next two or three meetings, after which perhaps the groups should organize subsequent meetings themselves.

Ms. Lancaster attempted to focus the rambling discussion by asking members present whether they would like to see a formal organization of ENGOs. Apparently very few would wish this. Mr. Nixon raised the objection that the emphasis on grass roots would be lost if an "ENGO Establishment" were created. To Dr. Pharis' suggestion of a press release following this meeting, Dr. Garigue noted that the

CEAC was not prepared to do this, though the ENGOs could do so on their own. The participants concurred with Dr. Mosquin's summary that the assembled ENGOs urge the CEAC to convey to the Minister their desire that the CEAC convene and fund another meeting of this type, probably in the fall, in consultation with an ad hoc committee of ENGOs. Mr. Riley suggested that CEAC should ask the Minister to be present.

Dr. Garigue invited a critique of the role and effectiveness of the CEAC. Mr. Casey felt that the role of the CEAC as expressed in its terms of reference was commendable, but that it lacked effectiveness was demonstrated by the fact that many groups had not even known of its existence. He considered that the quality of the environment in Canada had declined in recent years and that it was time that the CEAC took a more active, conspicuous and vigorous role. Mr. Casey contrasted the CEAC with the U.S. Council for Environmental Quality, which takes a much more active part in environmental issues. Ms. Dunbar cautioned the members against taking too simplistic a view of what had to be done to change both government policies and public and private practices. It was not possible for CEAC to be effective, in a real sense, just by being loud and tough.

Mr. Bein felt that the Department of the Environment owes it to the public to be more in touch with citizens' opinions as represented by concerned and informed groups, and surely CEAC had some responsibility to advise on this. Mr. Casey went on to state that the *Annual Review* is not specific enough, and that the CEAC should provide indices on just how well the environment was doing. Mr. Casey criticized the composition of the Council as being excessively academic and felt that it should have wider representation from the industrial, business and public sectors.

Dr. Pearson described the Nova Scotia Environmental Control Council, another advisory body, as being quasi-judicial. It could not be too outspoken or it would risk losing what effectiveness it had. He recognized that the CEAC might have to exercise some caution or run the risk of being discontinued as being too forward or too noisy to be useful to the Minister. Mr. Casey agreed that there was this risk.

Dr. Garigue welcomed these criticisms and promised that they would be incorporated in the minutes for the Minister to see. Though he was not ashamed of Council's performance in its role, he hoped that improvements in its activities would result from this encounter with the ENGOs. He stated that reasons could be given for some of the limitations to Council effectiveness, but excuses would not improve

the environment, and an improved future environment is the basic reason for the existence of CEAC. He also reminded members that although CEAC as a body may appear inconspicuous and working mainly behind the scenes, the individual members of CEAC are not quiet personalities, and some are well known for being outspoken on issues of direct concern to ENGOs. It was unfair to compare the CEAC with the US CEQ which is an operating arm of the Executive Office of the President of the United States, with a budget of one million dollars, a full time staff of sixty, and extensive contract and internship activity. The CEAC had no research staff of its own. He stated that Council will indicate to the Minister the way in which the ENGOs perceive its role and effectiveness.

Mr. Nixon observed that the Sierra Club in Manitoba was able to secure considerable information from the CEQ and EPA in the USA, but very little in quantity or quality from comparable Canadian sources. Public bodies expect from government a quality of environmental information and service that Canada simply does not give. Dr. Garigue recognized that the dissemination of information was inadequate and indeed deteriorating, but that at present the best had to be done with the resources available, depending on cooperation between the Minister, the Department, the part-time members of CEAC and the ENGOs.

Mr. Parnell wondered if the CEAC was aware of the role of the Council for Social Development (CSD). Dr. Garigue admitted that he had been involved in the organization of the CSD, a body of private agencies completely autonomous from government. He noted that present government funds granted to the CSD were an example, showing how the Canadian government tended to respond to leadership from society and needed to be prompted into administrative or legislative action.

Mr. Green distinguished between the federal (e.g., CEAC) and provincial advisory councils. He believed that the CEAC should not attempt to take responsibility for provincial matters and reminded the groups that they had roles to play on the provincial as well as on the federal scene. He said it would be useful to invite the Québec Advisory Council to convene a meeting of Québec ENGOs.

Mr. Boerma agreed that a structured federation of ENGOs was unwise. In response to Mr. Green's comments, he felt that some issues could be dealt with only at the national level. The ENGOs should guard againt getting themselves split along jurisdictional lines.

Mr. Sloan wondered if it would be useful for the groups to recommend that the CEAC itself be strengthened. Dr. Garigue reiterated that the CEAC was not a body with research or publishing functions, though it had conducted some investigations and had produced a few public documents. It is a group of individuals brought together to advise. He also asked representatives to remember that most of the action and policy they were asking from the federal government was not something that was specifically stated to be in the Department's responsibility and in which it was failing; for the most part, these were new responsibilities and functions. When the Department of the Environment was created, there were not substantial new resources or responsibilities given to environmental questions. Federal government units that were already functioning, and which had "environmental" context, were brought together - from Energy, Mines & Resources, Health & Welfare, Indian Affairs, Transport, etc. Each of these units still had its on-going activity and tight budget. It was then expected that somehow "environmental policy" would develop from units hard pressed to meet their own specific managerial service responsibilities. The Canadian problem was how to develop an environmental policy in a system that is characterized by fragmentation of responsibility, without setting up shock waves that stop what good action there is.

Mr. Seib drew the attention of the groups to an article by Roger Williams and David Bates, "Technical Decisions and Public Accountability" in the December 1976 issue of *Canadian Public Administration*. The paper reviews problems in achieving public accountability for actions and decisions by federal or provincial governments based on technical information, and uses man-created environmental and health hazards as examples. It proposes a more active operational role for CEAC.

11. ADJOURNMENT

Dr. Garigue resumed the chairmanship of the meeting. He assured the participants that draft minutes would be sent to all attending. Dr. Mosquin expressed the appreciation of the groups to the CEAC for making the meeting possible. Dr. Garigue responded by saying that he thought it had been mutually beneficial, and adjourned the meeting.

(Subsequently the ENGOs appointed an ad hoc committee to represent the groups and provide future liaison with the CEAC: Mr. G. Gallon, SPEC, Vancouver; Prof. A. Lucas, CARC, Calgary; Ms. S. Mayo, Ecology Action Centre, Halifax and Mr. R. Pratt, CNF, Ottawa).

ANNEXES

FIRST MEETING

A - KEY STATEMENTS OR RECOMMENDATIONS MADE DURING THE COURSE OF THE FIRST MEETING

B - AGENDA

C - LIST OF PARTICIPATING ORGANIZATIONS

D - CANADIAN ENVIRONMENTAL ADVISORY COUNCIL: CURRICULUM VITAE OF MEMBERS; TERMS OF REFERENCE; PUBLICATIONS

E - LETTER FROM CANADIAN ENVIRONMENTAL LAW ASSOCIATION, REGARDING LACK OF LEGAL STANDING

ANNEX A
FIRST MEETING

KEY STATEMENTS OR RECOMMENDATIONS MADE DURING COURSE OF THE MEETING

1. The minimum objective of this meeting would be:

   a) let CEAC know clearly and unequivocally what are the priority concerns of the environmental non-government organizations (ENGOs).

   b) clarify the relationships between government advisory bodies and public interest groups. (MOSQUIN)

2. The key note of the program of each group is that significant environmental problems are reduced to questions of community involvement and public education. (NIXON)

3. Summary of priority concerns:

   a) Environmental and social impact of large energy schemes and of policies to encourage excessive consumption of energy and materials.

   b) Need for organization and action by citizens at a local and regional level.

   c) Lack of resources available to ENGOs for their research and action.

   d) Access to the courts on environmental issues and access to government information. (MOSQUIN)

   e) Concern over land use.

   f) Need for public education. (Ms. GREEN)

4. Resource planning and decision-making needs a different philosophy than in the past; it should call for an examination of all possible alternatives and not only a comparison of all proposed alternatives. (Ms. GREEN)

5. Where there are differences in environmental standards in U.S. and Canada that lead to pressures on the Canadian environment because it may be easier to undertake potentially damaging activities in Canada there should be a "leveling mechanism" to remove the international pressure on the Canadian environment. (TARN)

6. CEAC is requested to seek from the Minister an undertaking to refrain from bringing to court citizens who were protesting the seal hunt off Newfoundland and Labrador. (SWAIGEN)

7. The group of ENGOs suggestes that CEAC recommend to the Minister that CEAC's recommendations to the Minister be made public. (MOVED BY PARNELL, SECONDED BY MAYO, AGREED BY ALL BUT LATER REDUCED FROM A FORMAL MOTION TO AN EXPRESSION OF OPINION).

8. CEAC should indicate to the Minister that ENGOs feel strongly that every government document should be made public unless it involves national security. The Minister should bring forward or support in Parliament a Freedom of Information Act. (OTWAY)

9. Protection of the environment cannot be ensured through the courts purely by having to prove specific harm or damage. The government will have to develop the power to act when there is "reasonable doubt" regarding the future safety of the environment. (BEIN)

10. ENGOs urge Council once again to approach the Minister concerning government funding of environmental citizens' groups. Council should make the point that representatives of 221,000 citizens feel this way. (PEARSON)

11. Summary statements of discussion regarding funding:

    a) CEAC should suggest to the Minister that it is in the national interest for the government to provide funding for ENGOs in the environmental area.

    b) There is need for a central independent mechanism for administering such funds.

    c) Core funding as distinct from project funding is essential.

    d) Funds should be made available for public interest groups to intervene at major public inquiries; these funds should be adequate to the situation, i.e., related to the size and environmental effects of the project.

    e) Proponent of a project should ultimately bear the costs of interventions regarding environmental effects. (SWAIGEN)

12. The representatives of groups represented at the meeting urge CEAC to reconsider its view as expressed in its 1975 *Annual Review* that "increasing numbers of nuclear plants would appear to be an inevitable development" (p. 17); and to make the strongest possible recommendation to the Minister of Fisheries and the Environment for the federal government to initiate an immediate national debate on Canada's future energy uses, such a debate to take the form of a public inquiry or commission similar to the Mackenzie Valley Pipeline inquiry headed by Justice Berger; and because decisions on Canada's future energy policies will determine the very nature and future direction of our society as a whole, the debate should include all segments of Canadian society and be preceded by adequate and fully balanced widely distributed public information. (TEXT MOVED BY BOERMA, SECONDED BY SPONG, CARRIED 24 FOR, 1 OPPOSED, 3 ABSTENTIONS, OBSERVERS AND CEAC DID NOT VOTE)

13. The ENGOs present urge CEAC to convey to the Minister their desire that CEAC fund and convene another meeting of this type, somewhat enlarged in consultation with an ad hoc committee of environmental ENGOs if such a committee is formed. (MOSQUIN)

14. The ENGOs present support the action and initiative of SPEC in forming the Kitimat Oil Coalition and emphasize the urgency of organizing broad public support for the environmental questions to be dealt with at the public hearings on the Kitimat oil terminal.

ANNEX B
FIRST MEETING

PLACE VINCENT MASSEY
HULL, QUEBEC

AGENDA

TUESDAY
MARCH 15, 1977

1. Welcome and discussion of agenda

2. Statements by participating organizations

3. Involvement of the public in the decision-making process

4. Accessibility to information

Chairman:
Dr. Philippe Garigue
Vice-Chairman, CEAC

5. Legal standing on environmental questions

6. Funding of public interest groups: problems and strategies

7. Summary: assessment of usefulness of the meeting; future meetings; suggestions regarding the role and effectiveness of the CEAC

Chairman:
Dr. Théodore Mosquin
Co-Chairman,
Canada-USA
Environmental Council

ANNEX C
FIRST MEETING

LIST OF ENVIRONMENTAL NONGOVERNMENTAL ORGANIZATIONS

INVITED TO PARTICIPATE IN THE

FIRST MEETING WITH THE CANADIAN ENVIRONMENTAL ADVISORY COUNCIL

MARCH 15, 1977

ALBERTA WILDERNESS ASSOCIATION

Box 6398, Station D, Calgary, Alberta T2P 2E1 403-286-1680
Raymond Sloan, President, 286-1680

Date established: 1968
Purpose: To assist in the establishment and protection of wilderness and wildland habitat.
Members: 1,400
Affiliate Members: 120

B.C. WILDLIFE FEDERATION

17655-57th Avenue, Surrey, B.C. V3S 1H1 576-8288, 576-8289

Date established: 1955
Members: 14000
Affiliate members: 2500

CANADIAN ARCTIC RESOURCES COMMITTEE

46 Elgin Street, Room 11, Ottawa, Ontario K1P 5K6 613-236-7379
Kitson Vincent, 236-7379

Date established: 1971
Purpose: To ensure that important social, environmental and economic ramifications of northern development are studied and analyzed before major decisions relating to northern Canada are made; to provide means for exchange of information and viewpoints between people, government and industry; to develop better perspective on options available and to inform the public.
Members: 25

CANADIAN ENVIRONMENTAL LAW ASSOCIATION/L'ASSOCIATION CANADIENNE DU DROIT EN L'ENVIRONNEMENT & CANADIAN ENVIRONMENTAL LAW RESEARCH FOUNDATION
1. Spadina Crescent, Suite 313, Toronto, Ontario M5S 2J5 416-978-7156

Date established: 1970
Purpose: CELA provides legal assistance to individuals and groups with environmental problems; there are three lawyers on staff and the assistance includes summary legal advice

and litigation under certain circumstances; the foundation also undertakes major research in the area of environmental law.
Members: 900

CANADIAN NATURE FEDERATION/FEDERATION CANADIENNE DE LA NATURE
46 rue Elgin Street, Ottawa, Canada K1P 5K6 613-238-6154
(formerly/auparavant: Canadian Audubon Society, 1961-1971)

Date established: September 1971
Purpose: To educate the public to recognize the value of, and the need for protecting wild birds and other animals, plants, soil, water, as well as of the interdependence of these natural resources; to conduct research; to co-ordinate and support programs of public information, and other programs of local and provincial naturalists' clubs and federations of naturalists' clubs across Canada in the field of conservation.
Members: 22,000 individual; 42 conservation groups; 19 corporate supporters.

SPEC (CANADIAN SCIENTIFIC POLLUTION & ENVIRONMENTAL CONTROL SOCIETY)
1603 West 4th Avenue, Vancouver, B.C. V6J 1L8 604-736-5601
Gary Gallon, Executive Director, 736-5601, 738-5405

Date established: February 1969
Purpose: To protect the vital life-supporting ecosystems in B.C. and Canada for humans and all life; to promote the development of a "Conserver Society".
Members: 2,000
Affiliate members: 8,000

CANADIAN WILDLIFE FEDERATION/FEDERATION CANADIENNE DE LA FAUNE
1673 Carling Avenue, Ottawa, Ontario K2A 1C4 613-725-2191

Date established: 1962
Purpose: To foster understanding of normal processes so that people may live in harmony with the land, using and husbanding its renewable natural resources in a manner that maintains its productivity and beauty for long-term benefit and enrichment of society.
Members: 10 provincial sportsmen's federations: 2 national organizations.
Affiliate members: 160,000; Associate members: 37,000.

CONSERVATION COUNCIL OF NEW BRUNSWICK
P.O. Box 541, Fredericton, N.B. E3B 5A3 506-454-3619, 455-9931
Dr. Richard Tarn, 454-3619, 455-9931

Date established: 1969
Purpose: To foster an awareness of the relationship between man and the environment; to promote the formulation and practice of environmentally sound policies and programs to achieve and sustain an optimum balance of social and economic benefits derived from the natural resource base.
Members: 200
Affiliate members: 3 associations, 200 members

CONSERVATION COUNCIL OF ONTARIO
Sixth Floor, 45 Charles Street East, Toronto, Ont. M4Y 1S2, 416-961-6830
Clive E. Goodwin, 961-6830

Date established: 1952
Purpose: A council of major provincial associations concerned with environmental matters; to provide a continuing forum for the exchange of information; to plan and encourage research; to provide the public with accurate information about the main issues; to co-ordinate activities of the major organizations in Ontario.
Members: 33 organizations

ECOLOGY ACTION CENTRE
Room 20-A Forrest Bldg., Dalhousie University, Halifax, Nova Scotia 902-422-4311.

Date established: 1971
Purpose: To influence the development of Halifax-Dartmouth and Nova Scotia towards saner alternatives (particularly recycling, energy and public transit) through public education and action.

FEDERATION OF ONTARIO NATURALISTS
1262 Don Mills Rd., Don Mills, Ontario 416-444-8419

Date established: 1931
Purpose: To exert influence and effort to protect our assets in soil, woods, waters and wildlife; and to broaden public interest and knowledge in these values, sponsoring wise laws to safeguard our natural resources.
Members: 12,690
Affiliate members: 45 federated naturalists' clubs

GREENPEACE FOUNDATION
2108 W. Fourth Avenue, Vancouver, British Columbia V6K 1N6 604-738-7134
Bob Hunter, President, 738-7134

Date established: 1970
Purpose: To seek direct solutions to problems critical to planetary survival.
Members: 8,000 + 24 branches
Affiliate members: 2,000

NATIONAL & PROVINCIAL PARKS ASSOCIATION OF CANADA
47 Colborne Street, Suite 308, Toronto, Ontario M5E 1E3, 416-366-3494
Terry L. Green, 366-3494

Date established: 1963
Purpose: To promote the use and management of national and provincial parks in a manner that will contribute to the education, inspiration and well-being of the public; to encourage expansion of national and provincial parks systems and preservation of places with outstanding natural or historic significance.
Members: 2,000

NATIONAL SURVIVAL INSTITUTE/L'INSTITUT NATIONAL POUR LA SURVIVANCE
2175 Victoria Park Avenue, Scarborough, Ontario M1R 1V6, 416-449-1971
Vernon J. Heaslip, Chairman, 449-1971, 449-4171.

Date established: September 1973
Purpose: NSI is concerned with our national and global environment in all aspects--physical, social, cultural, economic; its aim is to awaken the public to issues concerning energy, food, human settlements, population, and to seek ways in which it can better conditions in those areas; its focus is public education, both general and action-oriented, at the community level.
Members: 200

NOVA SCOTIA RESOURCES COUNCIL
P.O. Box 195, Wolfville, N.S.
Dr. T.L. Pearson, 902-542-2201

Date established: 1957
Purpose: To promote in the public interest the sound management and use of the renewable natural resources--soil, water, plant and animal life--of Nova Scotia.
Members: 85

POLLUTION PROBE AT THE UNIVERSITY OF TORONTO
43 Queen's Park Crescent East, Toronto, Ont. M5S 1A1
Pollution Probe--Nikki Moxon, 416-978-7152; Energy Probe--Jan Marmorek, 416-978-7014

Date established: 1969
Purpose: Public policy advocacy through direct action and affiliations with other citizens' groups; public education; active in waste reduction and recycling, food and food-land issues; energy conservation and renewable energy; industrial pollution.
Members: 1,000

POLLUTION PROBE--OTTAWA
P.O. Box 4421, Station E, Ottawa, Ontario K1S 5B4,
53 Queen Street, Suite 54, Ottawa, Ontario K1P 5C5, 613-231-2742
Fern G. Payne, 731-3384

Date established: 1969
Purpose: To assist in the transition from a consumer society to a conserver society through education, action and lobbying.
Members: 500

SASKATCHEWAN NATURAL HISTORY SOCIETY
Box 1321, Regina, Sask. S4P 3B8, 306-586-2075
Mr. T. Gentles, 586-2075

Date established: 1948
Purpose: To foster an active interest in all forms of nature, to promote conservation and to act as a connecting link for everyone interested in natural history.
Members: 2,500
Affiliate members: 800

SASKATOON ENVIRONMENTAL SOCIETY
P.O. Box 1372, Saskatoon, Sask. S7K 3N9
Michael R. Wilson, President, 306-242-8569

Date established: 1970
Purpose: To obtain and distribute information about environmental problems in Saskatoon and other parts of the world; to alert local community to necessity of taking action to keep serious problems from developing in Saskatoon.
Members: 100
Affiliate members: 50

SAVE TOMORROW OPPOSE POLLUTION (STOP)
Mail: P.O. Box 1633, Edmonton, Alberta T5J 2N9
Office: 11622-74 Ave., Edmonton, Alberta 403-434-4126, 434-3302

Date established: 1970
Purpose: To make the public aware of the dangers of environmental pollution, the importance of pollution control, and to provide up-to-date material on pollution and its control.
Members: 1000

SIERRA CLUB, WESTERN CANADA CHAPTER, WINNIPEG GROUP
Box 1607, Winnipeg, Manitoba R3C 3A4
Bob Nixon, 204-475-3085

Date established: November 1976
Purpose: To foster the quality of the environment and within its territorial limits to work for the purposes of the Sierra Club, which are to protect and conserve the natural resources of the Province of Manitoba, Canada and the World; to undertake and publish scientific and educational studies concerning all aspects of man's environment and the natural ecosystems of the World; and to educate the people of Canada and the World to the need to preserve and restore the quality of that environment and the integrity of those ecosystems.
Members: 55

SOCIETE POUR VAINCRE LA POLLUTION
C.P. 65, Place d'Armes, Montréal, Québec 514-844-8474
Pierre Lacombe, Président, 844-8474

Date de fondation: janvier 1970
Objectifs: Vaincre la pollution; sauvegarder l'environnement; informer le public; exiger des politiques et former des groupes d'action.
Membres: 300
Membres affiliés: 1,000

YUKON CONSERVATION SOCIETY
P.O. Box 4163, Whitehorse, Yukon Territory 403-668-4510
Martyn Williams, President, 403-663-5918, 667-7131

Date established: 1968
Purpose: To secure the wise use, protection and preservation of scenic, scientific, recreational, educational, wildlife and wilderness values of Yukon Territory.
Members: 100

ANNEX D
FIRST MEETING

CANADIAN ENVIRONMENTAL ADVISORY COUNCIL

Biographical Sketches
(March 3, 1977)

Dr. Ian McTaggart-Cowan
Chairman

May 10, 1972; reappointed 1975; term expires May 1978.

Dr. McTaggart-Cowan is former Professor of Zoology and Dean of the Faculty of Graduate Studies at the University of British Columbia. He is a former Chairman of the British Columbia Provincial Academic Board. His research in animal ecology and systematics had led to the publication of more than 200 articles and books, as well as production of three television series. He has been active on a large number of government, professional, industrial and public councils, committees and boards concerned with wildlands and parks environmental protection, and resource development, including the Environmental Protection Board and the Arctic Environmental Advisory Council.

Dr. Philippe Garigue
Vice-Chairman

July 6, 1973; reappointed 1975; term expires May 1978.

Dr. Garigue is Professor of Political Science and former Dean of Faculty of Social Sciences, Université de Montréal. He is author of numerous studies on the institutions and social-economic attitudes of French Canada. His research has been concerned with perceptions and actions taken by society with regard to the quality of life, the participation of the public in the decision-making system and the formulation of community, regional, or national policies. He has undertaken special studies for Canada Council and the Department of National Defence on Canadian society and its responses.

MEMBERS

Dr. Donald A. Chant

May 10, 1972; reappointed 1974; term expires 1977

Dr. Chant is Vice-President and Provost, University of Toronto, and former Chairman of the Department of Zoology. He is a founder of Pollution Probe and author of more than 60 research papers on ecology and a number of books and reports. Dr. Chant has served on various Boards and Committees relating to ecology and the environment and has been active with radio and television in the environmental field.

Dr. Pierre Dansereau — May 10, 1972; reappointed 1975; term expires 1978

Dr. Dansereau was the scientific Director of the Centre de recherche en sciences de l'environnement, Université du Québec à Montréal. Dr. Dansereau received his education at the Université de Montréal and the Université de Genève. He holds Honourary Doctorates from the University of Saskatchewan, University of New Brunswick, Université de Strasbourg, Université de Sherbrooke, Sir George Williams University and the University of Waterloo. He has been associated with many Canadian universities as a professor of botany and ecology. He was the Council Vice-Chairman from 1972-1975.

Miss I. Moira Dunbar — May 10, 1972; reappointed 1974; term expires 1977

Miss Dunbar is a research scientist in the Earth Sciences Division of Defence Research Establishment, Ottawa. She is actively involved in a programme to study the growth, movement and decay of ice in northern waters. In 1972 she was awarded the Massey Medal of the Royal Canadian Geographical Society.

Mr. Irving K. Fox — May 10, 1975; term expires 1978

Mr. Fox is the Director, Westwater Research Centre and Professor of Community and Regional Planning, University of British Columbia, Vancouver. From 1959 to 1966 he was the Vice-President, Resources for the Future, Inc., Washington, D.C.; during that period he assisted in establishing a research unit in Santiago, Chile. Mr. Fox is the author of several publications in the field of water resources policy.

Dr. Ross H. Hall — May 10, 1975; term expires 1978

Dr. Hall is Professor, Department of Biochemistry, Division of Health Sciences, McMaster University, Hamilton. His research interests are: biological mechanisms and growth and development; studies on effects of contemporary nutrition technology; and studies on effects of subtle environmental pollution. Dr. Hall is a member of several scientific associations and has held a number of appointments outside the university. He was the President of the Canadian Biochemical Society from 1972-1973 and is presently a member of the Connaught Panel on the Life Sciences, University of Toronto. He is an Associate Editor of three scientific journals, and is the author of numerous articles and several books.

Dr. F. Kenneth Hare — October 15, 1974; term expires October 1977.

Dr. Hare is a geographer, presently Professor of Geography & Physics and Director, Institute of Environmental Studies, University of Toronto. He served as Dean of Arts & Science, McGill University; Master of Birkbeck College, University of London; and President, University of British Columbia. He was a Governor of the Arctic Institute of North America and President of the Canadian Association of Geographers and the Royal Meteorological Society. Dr. Hare was Science Advisor to the Minister, Environment Canada, 1972-1973 and has been active on numerous boards and committees relating to ecology and the environment, particularly in the field of climatology/meteorology.

Dr. Donovan F. Miller — Appointed to represent Canadian Fisheries Advisory Council.

Mr. Miller is Vice-Chairman of the Canadian Fishing Company Limited, Vancouver. Mr. Miller's involvement in the Canadian fishing industry during the past 35 years includes a five-year term on the Executive Committee of the Fisheries Research Board of Canada, the Presidency of the Fisheries Council of Canada and Chairman of the Fisheries Advisory Council. He is the Chancellor of the University of British Columbia.

Dr. Norman H. Morse — May 10, 1972; reappointed 1974; term expires 1977.

Dr. Morse is Chairman of the Department of Economics, Dalhousie University, Halifax. For the past 27 years Dr. Morse has been associated with the Departments of Economics of Acadia and Dalhousie. He is the author of many publications on the economy of Nova Scotia.

Dr. Arthur Porter — May 10, 1972; reappointed 1975; term expires 1978.

Dr. Porter is Chairman of the Ontario Royal Commission on Electrical Power Planning and former Head of the Department of Industrial Engineering, University of Toronto. Dr. Porter was born in Lancashire, England and received his education in that country. He has been associated with various universities in the United Kingdom and Canada as lecturer and professor in industrial engineering. Dr. Porter is the author of several publications in his field. He was the Council Chairman from 1972-1975.

Mr. Robert G. Rogers — Appointed January 1975; ex officio as Chairman, Forestry Advisory Council.

Mr. Rogers is President of Crown Zellerbach Limited, Vancouver and a Director of the Canadian Imperial Bank of Commerce, Gulf Oil Canada Limited and RCA Limited. He has served as Vice-Chairman of the Canadian Pulp and Paper Association, and as Chairman of Seabord Lumber Sales Company Limited and of the Council of Forest Industries of British Columbia. He is a member of the Canadian Committee, Pacific Basin Economic Council, and of the Board of Governors, Lester B. Pearson College of the Pacific.

TERMS OF REFERENCE

1. The purpose of the Canadian Environmental Advisory Council is to advise the Minister of the Environment: a) on such matters as may be specifically referred to it by the Minister; and on b) the state of the environment and of threats to it; c) priorities for action by the federal government jointly with the province; d) the effectiveness of departmental activities in restoring, preserving or enhancing the quality of the environment; bearing in mind the divided federal, provincial, territorial and municipal jurisdictions and the necessity for orderly economic development of the country's resources.

2. The Chairman and the other members of the Council shall be appointed by the Minister for terms not normally exceeding three years, may be re-appointed, and shall represent the Chairmen of resource councils advisory to the Minister, and members at large.

3. The Department of the Environment shall provide a secretary.

4. The Chairman, in addition to presiding at meetings, shall be responsible for developing and directing the work of the Council.

5. The Council shall meet not less than twice per annum at predetermined times, and at such additional times as may be required at the call of the Chairman.

6. Subject to the availability of funds, the Council shall be empowered to establish committees of working groups from among its members and others to study and report on fields of special interest to the Council.

7. The Department of the Environment shall provide a budget to cover the operational costs of the Council. The budget shall include provision for payment of ordinary transportation costs and living expenses plus per diem allowances of seventy five dollars.

PUBLICATIONS

Annual Review 1973-1974. Part A: Activities 1973-1974. By Arthur Porter. Part B: Problems and priorities in the Canadian environment. By Pierre Dansereau.

Annual Review 1975. Part A. Activities 1975. By Ian McTaggart-Cowan. Part B: Significant Canadian environmental problems. By J.P. Nowlan.

Annual Review 1976. Part A. Activities 1976. Part B. The state of the Canadian environment 1976.

An environmental impact assessment process for Canada. Council Report No. 1. February 1974.

An environmental ethic - its formulation and implications. Council Report No. 2. January 1975. By Norman H. Morse. Preface by Pierre Dansereau. Foreword by Donald A. Chant.

Harmony and disorder in the Canadian environment. Occasional Paper No. 1 1975. By Pierre Dansereau (Council Report No. 3).

Environmental aspects of nuclear power development in Canada. Occasional Paper No. 2. 1977. By H.E. Duckworth, H.W. Duckworth, Arthur Porter and J.S. Rogers (Council Report No. 4).

Report of the second joint meeting of environmental advisory councils. May, 1977, Fort San, Saskatchewan. Council Report No. 5, March, 1978. Produced in collaboration with the Saskatchewan Environmental Advisory Council.

The management of estuarine resources in Canada. March 1978. By Irving K. Fox and J.P. Nowlan. Council Report No. 6.

Enquiries concerning the work of the Council and requests for Council publications should be addressed to:

The Executive Secretary
Canadian Environmental Advisory Council
c/o Department of the Environment
Ottawa, Canada
K1A OH3

ANNEX E
FIRST MEETING

CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

Suite 303
One Spadina Crescent
Toronto, Ontario M5S 2J5

March 24, 1977

Dr. Ian McTaggart-Cowan
Chairman
Canadian Environmental Advisory Council
Department of the Environment
Ottawa, Ontario

Dear Sir:

At a meeting of your Council on Tuesday, March 15, a number of representatives of non-governmental environmental public interest groups brought to the attention of the Council a number of law reforms which, in their opinion, are needed to give better protection to the environment. These representatives asked the Council to make recommendations to the Minister of the Environment concerning these reforms. At the request of Dr. Garigue, who chaired the meeting, I am writing to confirm this.

The public interest groups are concerned about the lack of legal standing to raise environmental issues in the court. The doctrine of locus standi ("standing") prohibits the public from bringing actions in the courts where a large number of people are affected by pollution or by government activities in the same way. For example, where fisheries have been destroyed by pollution, the courts have held that because the fish and the fisheries belong to the public generally, commercial fishermen who lost their livelihood had no right to sue for compensation because their interest in the fish and in the fisheries was no greater than the interest of the general public. Similarly, in a recent Ontario case, members of the Grand River Conservation Authority were refused the right to challenge actions of that conservation authority which they alleged were beyond its jurisdiction and which they alleged would have injured an important natural resource, the Elora Gorge. The Ontario Court of Appeal held that because the members of the Conservation Authority had no pecuniary or proprietary interest in the Gorge itself, they had no standing to sue. This decision cost the plaintiffs approximately $12,000 in court costs to pay the fees and disbursements of the lawyers for the defendants.

The result of this doctrine is that individuals can sue where the alleged law is being broken only with the consent of the Attorney General. If the Attorney General refuses his consent, the unlawful

.../2

activity may continue unabated or compensation for injury may be unavailable.

In most cases, the question of standing would be a matter of provincial jurisdiction. However, there are clearly cases where federal legislation is needed. For example, where a citizen alleges that the federal government is violating provisions of the National Parks Act, the federal Attorney General and not the provincial Attorney General would almost certainly be the person who would have to give consent to a legal action. Similarly, in the case of injury to health or economic losses sustained by natives, arising from pollution of fisheries, the courts have not yet decided whether it is the provincial Attorney General or the federal Attorney General who must give his consent to an action. Therefore, in addition to any legislation that the provinces might pass to remedy this anachronistic situation, federal legislation would clearly also be necessary.

Members of the public interest groups also expressed concern about the lack of a clear right to bring class actions with regard to cases involving environmental degradation. The right to bring class actions in Canada is now severely restricted and, in my opinion, it is totally unavailable in environmental cases involving financial losses or injury to health for which damages are claimed. The need for class actions may be particularly important to facilitate litigation by native plaintiffs where the natives may speak a language other than English and where they may have difficulty in instructing counsel. While the question of class actions is also largely one within provincial jurisdiction, there are certainly situations in which this question is within federal jurisdiction as well. For example, recent amendments to the Combines Investigation Act, tabled in the House of Commons, would enable consumers to launch class actions under that statute.

It is respectfully submitted that insofar as class actions may be within federal jurisdiction, the Council should recommend that they be made available in environmental actions.

A further concern was the lack of preventive mechanism to ensure that products and processes are not marketed or used where there is a reasonable doubt as to their safety. In this regard, effective environmental and technological impact assessment procedures appear to be needed at the federal level and the Environmental Contaminants Act appears to need strengthening. The burden of proving whether a substance or a process will present a reasonable risk of being a threat to public health or to the environment should be shifted from the public to the proponent.

Similarly, in a court action where members of the public seek an injunction against activities which may impair or degrade the quality of the environment or cause injury to human health or economic loss, the onus of proving such an injury should be shifted from the plaintiff to the defendant. At present, when a proponent wishes to market a new product or use a new process or do some activity that may cause environmental degradation or injury, the regulatory process places the onus in many ways on the public to prove the danger as do the courts. Thus, to protect the environment or public health, the opponents of allegedly dangerous activities are forced to prove a scientific impossibility. Obviously, it is impossible to prove scientifically prior to an injury that the injury will occur.

Further concern was expressed about the difficulty of proving a cause-and-effect relationship between the deposit of pollution into the environment and the actual injury. Again, there is a definite need to relax the very strict rules presently available for proving causality and injury in environmental pollution cases, and as has been done by the legislature and courts in Japan with respect to mercury pollution.

We would therefore respectfully request that your Council recommend to the Minister that he seek solutions to these problems through available means, including legislation and study by the Law Reform Commission of Canada.

I enclose a copy of a recent press release by the Canadian Environmental Law Association mentioning your Council.

Sincerely,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

John Swaigen
Counsel

:by
Encl.

CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

April 27, 1977

Dr. Ian McTaggart-Cowan
Chairman
Canadian Environmental Advisory Council
Environment Canada
Ottawa, Ontario

Dear Dr. McTaggart-Cowan:

This letter is further to my letter of March 24, 1977. At a meeting of your Council on Tuesday, March 15, I agreed to write to you formulating the concern of a number of non-governmental environmental public interest groups as expressed at that meeting. I note from the draft minutes of that meeting that one of the concerns expressed was that the law should incorporate mechanisms to compel those who disturb the environment to re-establish the environment to the condition it was in prior to the disturbance. In my letter I omitted to request your Council to consider this problem.

We do consider this a legitimate concern, and we believe that your Council should give consideration to appropriate means of ensuring rehabilitation of damaged environments. In some cases, rehabilitation of the environment to its previous condition may be possible, and in other cases, it may be necessary to approximate the pre-existing environmental conditions. Where a court determines that environmental damage was unlawful, the court should have the power to order the wrong-doer to repair the damage and to re-establish the environment to a condition as close as possible to its previous condition. Government authorities should also have the power to order this in some situations, possibly subject to a review of the order by the courts. Even in cases where disturbance of the environment is legal, there may be many situations in which government policy or law should require rehabilitation of the environment to a pre-existing condition.

Thank you for your consideration.

Sincerely,

John Swaigen
Counsel

:by

CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

FOR IMMEDIATE RELEASE

GOVERNMENT USES ENVIRONMENTAL PROTECTION LAWS
TO HARASS ENVIRONMENTALISTS

Toronto-- March 20, 1977

Canada's Department of the Environment is using environmental protection laws to harass dedicated environmentalists, according to the Canadian Environmental Law Association (CELA).

Charges laid on March 18th against Brian Davies of the International Fund for Animal Welfare, accusing him of violating federal 'seal protection' regulations, are a flagrant misuse of environmental laws, CELA claims. Mr. Davies was charged with flying an aircraft less than 2,000 feet above a seal herd and with landing less than half a mile from the seals. Last year, both Mr. Davies and members of the Greenpeace Foundation were charged during their protests against the annual seal hunt off the coast of Newfoundland.

"The seal protection regulations should be called the seal hunter protection regulations," according to John Swaigen, legal counsel to CELA. "The Minister of the Environment claims these regulations are intended to protect seals, but so far their main use has been to impede environmentalists trying to protect seals, and to help hunters to kill seals. The regulations were made last year when Greenpeace announced it would protest the hunt, and the timing indicates that the real intention was to protect the hunting industry, not the seals."

The charges were laid 3 days after CELA expressed concern to Environment and Fisheries Minister Romeo LeBlanc's top advisors. At a meeting with the Canadian Environmental Advisory Council on March 15th, CELA representatives asked the advisory board to request the Minister immediately not to repeat last year's intimidation tactics.

CELA will attempt to intervene in any court proceedings to protest the misuse of laws, purportedly made to protect the environment, to intimidate environmentalists and prevent them from protecting seals.

The Canadian Environmental Law Association is a coalition of lawyers, scientists and lay people. Its purpose is to fight degradation of the environment through existing law and through proposals for law reform.

II

REPORT OF THE SECOND MEETING OF PUBLIC INTEREST GROUPS WITH THE CANADIAN ENVIRONMENTAL ADVISORY COUNCIL

NOVEMBER 21-22 1977

PARTICIPANTS IN THE SECOND MEETING

PLACE VINCENT MASSEY, HULL, QUEBEC

NOVEMBER 21-22, 1977

MINISTER OF STATE (ENVIRONMENT)

Honorable Len Marchand, M.P.
Mr. Robert Irvine, Departmental Assistant

CANADIAN ENVIRONMENTAL ADVISORY COUNCIL

Dr. Ian McTaggart-Cowan, *Chairman*
Dr. Philippe Garigue, *Vice-Chairman*
Dr. D.A. Chant
Mr. I.K. Fox
Miss M. Dunbar
Dr. R.H. Hall
Mr. D.F. Miller
Dr. N.H. Morse
Dr. J.P. Nowlan

SECRETARIAT: Dr. J.K. Fraser, *Associate Secretary;* Ms. S. Jérôme

PUBLIC INTEREST GROUPS:

Ms. Carol Bailey, National and Provincial Parks Association (Toronto)
Mr. David Bird, Zoological Society of Montréal (Montréal)
Mr. Herman Boerma, Saskatoon Environmental Society (Saskatoon)
Mr. Joe Bongiovanni, Maritime Energy Coalition (Albert, N.B.)
Mr. François Bregha, Canadian Wildlife Federation (Ottawa)
Dr. David Brooks, Friends of the Earth (Ottawa)
Mr. Kenneth Brynaert, Canadian Wildlife Federation (Ottawa)
Ms. Rosemary Curley, Natural History Society of Prince Edward Island (Charlottetown)
Mr. Daniel Green, Société pour vaincre la pollution (Montréal)
Mr. Doug Harvey, Sierra Club Western Canada Chapter (Winnipeg)
Ms. Sandy Hobus, Yukon Conservation Society (Whitehorse)
Ms. Susan Holtz, Ecology Action Centre (Halifax)
Ms. Adele Hurley, Energy Probe (Toronto)
Ms. Pat Kariel, Sierra Club Western Canada Chapter (Calgary)
Mr. Elmer Kure, Alberta Fish and Game Association (Edmonton)
Ms. Marjorie Loveys, Energy Probe (Toronto)
Prof. Al Lucas, Canadian Arctic Resources Committee (Calgary)
Ms. Audrey Manzer, Nova Scotia Resources Council (Dartmouth)
Mr. Rod Marining, Greenpeace (Vancouver)
Ms. Kathy Martin, Natural Areas Advisory Committee (Charlottetown)
Ms. Susan Mayo, Ecology Action Centre (Halifax)
Mr. Jack McGinnis, Is Five Foundation (Toronto)
Mr. Raymond Murphy, Zoological Society of Montréal (Montréal)
Ms. Marie Murphy, Zoological Society of Montréal (Montréal)

.../2

Ms. Ricki Nielsen, Federation of British Columbia Naturalists (Kamloops, B.C.)
Ms. Alma Norman, Consumers Association of Canada (Ottawa)
Ms. Bea Olivastri, National Survival Institute (Toronto)
Dr. Orvil Olsen, Ecowatch (Corner Brook, Newfoundland)
Ms. Jo Ann Opperman, Pollution Probe (Toronto)
Mr. William Otway, British Columbia Wildlife Federation (Surrey, B.C.)
Mr. Ted Parnell, Yukon Conservation Society (Whitehorse)
Mr. Jean Poulin, Save Tomorrow Stop Pollution (Edmonton)
Mr. Richard Pratt, Canadian Nature Federation (Ottawa)
Ms. Dorothy Rosenberg, Canadian Coalition for Nuclear Responsibility (Montréal)
Ms. Joan Scott, Newfoundland Natural History Society (St. John's)
Mr. Dana Silk, Community Planning Association of Canada (St. John, N.B.)
Mr. Cliff Stainsby, Society for Pollution and Environmental Control (Vancouver)
Mr. John Swaigen, Canadian Environmental Law Association (Toronto)
Dr. Richard Tarn, Conservation Council for New Brunswick (Fredericton)
Mr. Ralph Tory, Ontario Coalition for Nuclear Responsibility (Waterloo)

GOVERNMENT OF CANADA:

Mr. E. Carey, Chief, Hazardous Wastes Management Division, Waste Management Branch, Environmental Protection Service, Environment Canada
Ms. J. Cernat, Director General, Information Services Directorate, Environment Canada
Mr. D. Miller, Citizen Group Liaison, Department of Energy, Mines and Resources
Dr. H. Rothschild, Chief, Nuclear Program Division, Environmental Protection Service, Environment Canada
Mr. G. Savard, Citizen Group Liaison, Environment Canada
Dr. R.G. Skinner, Advisor Environment, Science and Technology, Department of Energy, Mines and Resources
Dr. H.S. Swain, Senior Advisor, Renewable Energy Resources, Department of Energy, Mines and Resources

REPORT OF THE SECOND MEETING

1. INTRODUCTION

The Chairman called the meeting to order and welcomed the representatives of the public interest groups. After introducing the members of the Council he introduced the Minister of State (Environment), the Honorable Len Marchand, and invited him to address the meeting.

2. ADDRESS BY THE MINISTER

Mr. Marchand admitted that, having been appointed only a few weeks, he was still feeling his way. He welcomed the opportunity to attend the Council meeting and to hear the views of voluntary associations concerned with Canadian environmental issues. He said that he himself has been committed for some years to the kind of work in which the environmental groups are engaged - for example, with the water diversion schemes. He was convinced that the efforts of public interest groups in opposing the Shuswap diversion were influential in the establishment of the Okanagan Water Basin Study, the first such study initiated by the Department of the Environment. Thus his experience led him to believe that voluntary associations wielded considerable power.

When a public interest group approaches government, it is essential to have the facts correct if one hopes to present a convincing argument. In the early environment/pollution period, many came along just for the ride. Mr. Marchand's experience that these have now been superseded by dedicated knowledgable citizens who are aware of the facts, and are able to play a meaningful role in the process.

The Minister's feeling is that government intends to make as much information as possible available to the public. When studies are commissioned, they should be conducted in such a way that the proceedings and reports can be made public. There may be some exceptions, for example certain self-critical studies.

Mr. Marchand considered that there should be some means of funding voluntary environmental associations and he intended to explore the best way to approach Treasury Board. Nevertheless, he could not accept a principle of complete funding, because this is likely to dull the independent spirit of voluntary groups and lessen their effectiveness. The procedure of administering the funds has not yet been determined but is under consideration.

The Minister said that he is looking to the Canadian Environmental Advisory Council to advise and assist in identifying the issues and the tasks ahead, in the light of past record of the Department.

The various Acts which concern the Department already provide considerable power. No new environmental legislation, except that respecting departmental reorganization, is contemplated in the near future. Mr. Marchand expressed pleasure about the proposed split which he believed will provide a sharper focus on environmental problems and an ability to devote full time to them.

He said he looked forward to hearing a report of the deliberations of this meeting and was pleased that he could remain and listen for a while.

The Chairman thanked the Minister for his remarks and invited him to remain as long as possible. He explained his responsibilities as chairman as he saw them and noted that the agenda had been structured into two separate day-long sessions. He reminded the participants that the agenda had been drawn up in collaboration with the ENGOs ad hoc steering group and asked for its approval. The ad hoc steering group had selected chairmen for items 5, 6 and 8, respectively Mr. Boerma, Mr. Stainsby and Ms. Olivastri. The Council had arranged for three government officials to present background statements on energy policy, nuclear energy and toxic wastes.

3. STATEMENTS BY PUBLIC INTEREST GROUPS

The Chairman called on representatives who wished to describe briefly the objectives and activities of their organizations. There were sufficient new participants that it appeared useful to devote some time to this. (The comments of organizations attending the first meeting are recorded in the minutes of that meeting and are not repeated here).

3.1 Zoological Society of Montréal. A recently formed conservation committee of this Society concerns itself with issues such as the Gulf of St. Lawrence seal hunt, budworm spraying and the international catch of whales.

3.2 Community Planning Association of Canada (New Brunswick Division). Concerns include the environmental aspects of energy and land use, but activities are restricted due to lack of funds. Considers the federal environmental assessment and review process apathetic and urges that the Department of the Environment set an example in conservation measures.

3.3 Nova Scotia Resources Council. Activities are oriented mainly towards the provincial government and concern budworm spraying, wildlife conservation, preservation of beaches. Experiences difficulty in obtaining information from government and in trying to ascertain federal environmental activities in Nova Scotia.

3.4 Natural History Society of Prince Edward Island. Cooperates with the PEI Environmental Advisory Council in adult educational programs, emphasizing several pollution and conservation problems.

3.5 **Natural Areas Advisory Committee, Prince Edward Island.** Concentrates on the identification of natural areas (20) for conservation action, mainly coastal. A type policy statement is being prepared for the provincial government. The major problem is seen as being erosion of agricultural lands; others include fragmentation due to cottage subdivision, and dependence on mainland power.

3.6 **Newfoundland Natural History Society.** Established in 1925, the Society was devoted for many years mainly to birdwatching and field trips. Recently has developed educational conservation programs, including issues such as budworm spraying, the harp seal hunt, etc. The main need appears to be a long term policy and inventory of land use.

3.7 **Ecowatch (Corner Brook, Newfoundland).** Formed in 1976. Attempts to influence provincial government environmental policies with regard to air and water standards, wildlife management, budworm spraying. Achieved some success in persuading the move of spraying program away from the Corner Brook water supply. Conducts an educational program by distribution of pamphlets, especially regarding pollution problems.

3.8 **Federation of British Columbia Naturalists.** A non-activist group which develops educational TV programs and field trips dealing with conservation of endangered wildflowers, mammals and birds. Considers the mining guidelines inadequate and finds a lack of communication between government departments.

3.9 **Alberta Fish and Game Association.** An action group federation (115 clubs) with diverse interests. Attempting to promote a system of compensation for private landowners who undertake conservation measures, and recently was involved in a public advisory committee in the province.

3.10 **Maritime Energy Coalition.** A federation of 22 environmental groups, the main concern being nuclear energy questions. Considers vital that a decision must be taken between a high energy society and a conserver society.

4. REVIEW OF ACTION FROM THE FIRST MEETING

The Chairman opened the discussion by reviewing the issues identified and the recommendations made at the previous meeting. Following is the text of his remarks:

You will recall that the first meeting of the Environmental Non-Governmental Organisations with the Canadian Environmental Advisory Council ended with a summary of major issues and several recommendations to the CEAC. The minutes of Meeting #35 of CEAC record the priority concerns of those participations: -

a) Environmental and social impact of large energy schemes and of policies to encourage excessive consumption of energy and materials.

b) The need for organization and action by citizens at a local and regional level.

c) Lack of resources available to ENGO's for their research and action.

d) Access to the courts on environmental issues.

e) Free access to government information which does not threaten national security.

f) Concern over land use.

g) The need for public education.

The recommendations addressed to CEAC have been studied by the Council and the following action taken:

A. CEAC was requested to intercede with the Minister of Fisheries and Environment to obtain an undertaking that the Minister not press charges against those who were protesting the seal hunt off Newfoundland and Labrador. This request was considered most carefully and the decision reached that it would be inappropriate to do as requested. Every citizen has a right to press for changes in the law provided that there is no effort to escape the law while it is in force. One of the effective techniques of protest has been the direct challenge designed to provoke prosecution and thus to gain added exposure for one's views. It can be presumed that this was understood and accepted by the protectors.

B. There was expression of opinion that CEAC recommendations to the Minister be made public. In general CEAC has been proceeding in this way and has sought and received ministerial approval for release of most of its reports and recommendations to him. At the same time CEAC is an advisory body to the Minister and must be in a position to make private communication with him on many matters internal to the department or related to interdepartmental strategies.

C. There was strong support expressed for a more open policy of access to government documents related to environmental issues. The concept of a Freedom of Information Act was endorsed. The CEAC agrees with this recommendation and has made its views known to the Minister. This is a view that has been widely endorsed by citizen bodies and expressed vigorously by the Science Council of Canada. We understand that there are discussions proceeding in Parliament.

D. A view was expressed that protection of the environment cannot be ensured if court action must be limited to cases of proveable damage. The concept of reasonable doubt as grounds was proposed. We are not aware that a legal case based upon reasonable doubt of environmental damage has stood up in a Canadian court as a basis for a cease and desist order or as a basis for damages.

On the other hand, this issue points up the importance of professional judgement rather than legal proof. Most decisions influencing development action require consideration of professional judgement upon the probable consequences of various possible actions. We have seen major decisions involving very large expenditures taken on the basis of aggregated professional judgement about unproveable consequences. CEAC has taken no action.

E. The matter of the financial plight of most ENGO's inhibiting the effectiveness of their roles led to a detailed recommendation. This issue was discussed with the Minister and the Deputy Minister. The value to the Department and to the decision-making processes of government to be derived from effective ENGO's with a national or broadly regional perspective was enthusiastically endorsed by both of them. The Minister included in his budget a request for funds to aid ENGO's. Unfortunately this was deleted at Treasury Board.

The issue is still a live one and the Honourable Len Marchand is prepared to make a new request for the funds required.

F. CEAC was asked to reconsider the view it had expressed in its 1975 report, that it was likely that there would be additional nuclear units generating electric power in Canada. We feel that this statement was appropriate to the time it was made. We did not intend any endorsement of this direction; indeed many members of Council share deep misgivings, which we have made known to the Minister. In our judgement it is extremely important that there be extensive, well informed debate in Canada on the entire area of energy options, energy use and strategies for the future. There appear to be valid alternatives, in the long term, to the dependence upon highly centralized energy sources, among them nuclear power.

Our working paper is an authored paper prepared at the request of Council. It was intended as a factual contribution to the energy debate. It deals primarily with the physical components of nuclear powered electrical generators.

There was extended discussion of this and other energy issues when CEAC met with the Provincial Environmental Advisory Councils in May of this year. There it was agreed that the Canadian Council of Resource and Environment Ministers be asked to sponsor a full scale enquiry into the environmental consequences arising from different energy strategies. The enquiry was asked to pay particular attention to the role and problems of nuclear reactors, their fuel and byproducts.

The CCREM has agreed to place this subject on its 1978 agenda and to decide then the nature of any inquiry which should be held.

G. In response to item 14 of the minutes of the joint meeting CEAC advised the Minister to support the extension of the terms of reference of the Thompson enquiry to include the environmental consequences likely to arise from the construction of a major oil port anywhere along or close to the west coast of Canada.

The government took this action but it appears that some problems have developed consequent upon the withdrawal of both the proposals to build such ports. The inquiry has been recessed. We understand that it will be revived if another formal proposal is received.

There have now been several environmental enquiries based upon proposals for energy developments in Canada. It would probably be useful to review and compare these for the lessons to be learned from them.

We acted upon your request to convene another joint meeting. We hope its accomplishments meet your hopes.

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I think we will all admit that there have been major changes in the climate of environmental concern in Canada over the last few years. Our society is given to short-lived enthusiasms largely fueled by the media. There is no doubt that it is the enthusiasm and determination of many individuals alone or as non-government organizations which have stimulated or facilitated these changes. There have been important advances made in the ways Canadians conceive their environment and are prepared to conduct themselves. There is growing conviction that many of the issues are directly concerned immediately with human wellbeing and in the longer run with survival. Nonetheless, there is a long way to go.

The urgency of our economic malaise is tending to preoccupy political thinking, and may do so for two to five years. We must consolidate our gains, learn from our mistakes and organize ourselves so as to move effectively into the next phase of environmental activity.

Comments from the ENGOs included:

- a suggestion that the ENGOs be informed whenever the Minister is ready to approach Treasury Board with regard to approval for funding, so that the voluntary groups could marshall support of his request.

- in response to a query, the Chairman stated that the CEAC is in favour of a full-scale national debate on nuclear policy, but it is unlikely that the CEAC will be taking the lead in organizing such a debate.

- in response to a query, it was stated that the Council annual budget is about $175,000.

- all new energy developments have not included public hearings. While the concept of public hearings is good, the resources of the ENGOs are inadequate and if not supplemented, could result in a serious diminuition of the environmental movement.

- the Council report on nuclear power development is inadequate and erroneous and should be rewritten with sufficient up-to-date information.

- regarding the CEAC analysis of the seal hunt issue, the courts have thrown out most of the prosecutions, thus indicating that the actions were not illegal.

5. CHANGING ROLES OF CITIZENS GROUPS IN CANADA

Mr. Herman Boerma took over the chair and posed four questions for general consideration: What can the public interest groups do for themselves? for Canadians? for the federal government? What can the federal government do for the public interest groups?

An informal tally of the 34 groups represented showed that 11 had budgets of over $20,000/- year, 13 employed some permanent staff and 15 relied heavily on contributions from membership.

There was active discussion regarding the advantages and disadvantages of memberships. Some groups considered that efforts to attract and serve a membership were not worth the time and funds involved. Others felt just as strongly that such efforts were worthwhile and that groups which did not represent a specific membership tended to be ignored by governments and were essentially powerless. This stand was supported by the thesis that membership provides active volunteers with a sense of commitment and that funding agencies tend to be more responsive to groups which can demonstrate that they represent a significant number of supporters. It seemed apparent that the larger national associations depend on membership support while the smaller, more local activist groups tend to move away from formal membership compaigns. A sound position backed by ecological analysis may be more valuable and effective than simple evidence of a substantial membership.

There appeared to be appreciable consensus of the view that public interest groups must collaborate with one another to be able to affect government policies. At the same time, activist groups must decide whether to cooperate with governments as representatives of the public interest in the decision-making process, or to remain aloof in a confrontation role, using the media to make their arguments visible. The danger in cooperation is that this may be viewed as joining the establishment but it may be the most constructive and responsible course to take.

Several participants believed that the environmental movement lacked power and that this was essential to be able to influence the governments. One dedicated representative in the cabinet was insufficient. Power was needed to be able to influence the electorate if ill-advised decisions are made by governments and it was suggested that such power could only come from strong membership utilized as continuous educational and promotional functions between elections. Nevertheless, change by any means is more important than simply having power as the major force of persuasion. ENGOs must learn to use what influence they have already. The CEAC was informed that it needed the support of the public interest groups rather more than they needed the support of the Council. The divers roles of the ENGOs were noted, some using unpopular tactics to stir up the public and the governments, other restricting their activities to educational roles. The government and the Council should examine carefully the matter of funding and decide if they wish to support groups which desire to bring about social change.

CEAC members recognized the considerable contribution that ENGOs have made in raising public awareness, that it is proper to be impatient and to push governments into action.

(Most of the approaches and problems discussed under this topic are contained and elaborated in the briefs tabled at the meeting and attached to these minutes as ANNEX C).

6. RESOURCES AVAILABLE TO CITIZENS GROUPS

Mr. Cliff Stainsby took the chair and asked Dr. Garigue to comment on his paper on the funding of volunteer organizations (predistributed to participants).

Dr. Garigue explained that his paper had been accepted by the CEAC and transmitted to the Minister as contributary advice on the general topic of funding of citizens groups. He had been involved some years ago as chairman of the Social Welfare Council in Québec, where the same problem of support of voluntary associations existed. The problem was resolved by direct funding by the provincial government. Dr. Garigue related his experience to the groups represented at this meeting and said that his view was that the ENGOs were not playing the role of which they were capable, of attempting to transform the decision-making process.

It was observed that there appears to be ample support for cultural groups from the government through the Secretary of State. Environmental groups do not enjoy this support because they are not politically important and apparently must seek funds elsewhere. The days of volunteerism are past. We are not a leisure society and it was suggested that if Dr. Garigue's text is revised, the emphasis on volunteerism should be downplayed. Dr. Garigue admitted that the document was outdated but that it had been circulated so that the ENGOs would be aware of the past position of the CEAC. Despite assertions that ENGOs are more sophisticated than the paper seemed to imply,

Dr. Garigue professed disappointment in what he observed as a continuing lack of maturity or sophistication. The ENGOs should learn from the example of the social welfare associations in Canada, some of which are more sophisticated in their activities than many government departments.

Though ENGOs agreed on the need for an information exchange arrangement, core funding is more vital to the welfare of many environmental groups. An information system should not become merely a diversionary tactic which would absorb funds and effort.

It was agreed that social welfare has been a much higher priority than environment and has not needed to rally support to the same degree. The activities of environmental groups often tend to represent inanimate phenomena which lack the emotional appeal of the welfare of people.

The environmental movement is approaching the end of the first stage. The issues have been identified and clarified and for the most part accepted by the general public. These activities should now be passed to others to continue on a routine basis. A more structured, formalized process is needed in the next stage, despite the dangers of institutionalization. A forum for self-assessment is required, to examine the experience gained and to resolve any serious differences.

The significant different types of public interest groups were recognized and might be categorized into two kinds: the ad hoc type which deals with specific problems, which when resolved, permits the group to dissolve; and the type which examines diverse or general problems on a continuing basis, changes and expands and continues as a public watchdog. Both types are necessary. Though governments may be wary of radical groups, the term 'radical' means different things to different people and at different times. Some groups have tended to be passive, especially conservation-oriented groups. Some of these are now trying to channel their efforts into more active endeavours and are willing to contemplate some sort of coalition.

The groups identified some of the material resources which are needed by the smaller volunteer organizations - part-time access to secretarial facilities, modest core funding to support offices, use of telephone lines. It was proposed that the groups themselves define the priorities for resources and the criteria for distribution of support funds. Some groups could draw up fairly specific budgets at short notice.

Needs vary across the country. Groups could collaborate in the sharing of information on techniques and useful contacts.

Council members pointed out that the Department of the Environment, given the green light from Treasury Board, is likely to be faced with the problem of finding support funds from within the department budget. If the ENGOs can demonstrate a need for action by public interest groups in a particular situation, it would make the Minister's intervention

somewhat easier. If these needs involve broader interests by other departments, this would be a different kind of support problem, and each must be approached in a different way. Support for national issues would likely be easier to justify. The suggestions regarding the management of a fund in support of public interest groups were summarized (ANNEX A), based on the brief presented by Pollution Probe (ANNEX C).

A number of potential problems regarding the distribution of funds were mentioned. Core funding is simpler than grants for research or advocacy support (noting that Alberta made a formal complaint over a federal grant). The larger associations are more likely to be successful in securing grants for projects, but some allocation or subcontracting might be then made to smaller groups. It was noted that in reality, core money is more important to some of the groups, simply to enable them to stay alive.

7. NATIONAL ENVIRONMENTAL ISSUES

i) *Environmental components of Canadian energy policy*

The Chairman introduced Dr. R.G. Skinner, Advisor Environment, and Dr. Harry Swain, Director, Renewable Resources Centre, Department of Energy, Mines & Resources. Dr. Skinner tabled three documents[1]. He referred to the major energy-related targets or principles which the government had adopted and pointed out that they do not refer explicitly to the environment. The principle referring to expanded development in frontier areas states that it would be increased "under acceptable social and environmental conditions". The drilling in the Beaufort Sea has been slowed because of environmental considerations; Drake Point technology has been constrained; and the Baffin Bay development will come under EARP prior to exploration. EMR and DIAND are co-sponsors to the EARP arrangement with the Polar Gas Project, to ensure an assessment which covers both territorial and provincial lands.

The question was put: how does the government assess the social and environmental considerations of nuclear power developments? Dr. Skinner stated that the policy development acts on the premise that nuclear power is going to be significant and is proceeding toward an interdepartmental assessment of full social and economic implications. The call for a national debate has been supported in some quarters but it may be premature in that a number of provincial inquiries are in progress. Dr. Swain remarked that insistence on nuclear safeguards may result in them being stringent enough to put the Canadian nuclear industry out of business.

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[1] *Energy: the task ahead*, Report EI 77-1
Energy update 1976, Report EI 77-2
An energy strategy for Canada (summary), 1976

There was a criticism that the policy elements listed in the document are all technological and none relate to any public input into policy-making. There is no mention of a public discussion of people's aspirations or desires. Dr. Skinner replied that the Long Term Assessment Group would be pleased to hear the comments of ENGOs and that these should be coordinated through the EMR Information Services (Mr. Doug Miller). Nevertheless, it was argued that there is no institutional way for ENGOs to put their case and consequently they are forced to make their case through the media.

A study of Canada's financial and corporate structure has shown that $180 billion is needed to mount a required large scale energy system. There is no fundamental problem of attaining the necessary capital, though such an amount is foreign to Canada's fiscal thinking. This estimate has been based on conventional fuel sources so a true comparison has not been made.

Statements that the Maritimes have more electrical power than is needed and that the Point Lepreau plant will stabilize the price of power in New Brunswick were challenged.

Dr. Skinner said that he had no dispute regarding a Berger type national debate but questioned that it should deal with nuclear power only as a future option. It should encompass the option of coal and discuss the full implications of foreign crude oil imports. It may be too cumbersome to try to examine all the options in a single debate. It was argued that politicians seem to be unaware of our energy options and that they depend for advice on a small group who are generally conventional in background and approach. Thus the politicians abrogate their decision-making responsibility. The Berger inquiry did not make the decision but left the government accountable.

The public interest groups stated that they would like EMR to support the idea of a national debate. Dr. Swain replied that there is mixed reaction to a national debate in EMR and felt that an inquiry into the nuclear option is not sufficiently broad.

There was general agreement that a 'national debate' must include the provincial jurisdictions. Even if a wise policy could be agreed on with unanimity, it could not be implemented by Ottawa alone. The groups felt that the nuclear power question should be resolved by popular consensus. With regard to solar energy, 'sun rights' are nowhere yet protected, but Ontario is working on an elaboration of a model code on behalf of the other provinces. It was suggested that an inquiry would provide a breathing space and allow time to explain the energy options to the Canadian public. Nevertheless, neither public interest groups nor advisory bodies should depend on inquiries to provide a solution to any lack of public impact on decision-making.

ii) *Nuclear energy in Canada*

The Chairman introduced Dr. Henri Rothschild (Chief, Nuclear Programs, Environment Canada) and asked him to open the discussion. Dr. Rothschild suggested that the topic demanded examination of not only the environmental aspects of nuclear power development but also the social and economic aspects and spinoffs - health and welfare, politics, foreign trade, ethical and moral considerations. Dr. Rothschild referred to public and semipublic inquiries being conducted in some depth already in Canada, as well as in the UK, Australia, Sweden and the USA. However the usefulness of these studies is questionable, because though the issues discussed were non-specific, the "actors" were the same. He reviewed the reasons for public concern over the nuclear issue and suggested that this was quite separate from the issue of how significant nuclear power would be in the total energy picture.

Participants observed that the battle lines being drawn were mainly political and that the polarization is not surprising. But the perception of the issue depends on the sets of primary assumptions on the kind of society and even political system that is most desirable. Critics state that proliferation of nuclear weaponry is "unquestioned" even if one assumes that nuclear energy is designed solely for civil use. Dr. Porter has admitted to Mr. Tory that his views have been affected by the input to the Royal Commission on Electric Power hearings by public interest groups.

Some of the participants questioned the statements that health risks are appreciably lower in the nuclear industry than in coal mining, or indeed that nuclear power is much more environmentally acceptable than other sources of energy. They stated that it is a question of the source of the data on which such statements are based, and the integrity and objectivity of the committees from which these statements are derived. They added that there does not appear to have been an independent study of the safety aspects in the nuclear industry, that standards cannot be demonstrated, and there is little or no experience with the consequences or incidence of accidents. According to them, the pronuclear statements are based on data and perceptions within the nuclear industry.

The Council's publication *Environmental aspects of nuclear power development in Canada* (Occasional Paper no. 2) was criticized, it being stated that it contained no real examination of environmental aspects and indeed some erroneous statements.

It was felt by the ENGOs that all radioactive wastes were hazardous and that their disposal is an issue only in the context of a society which has decided to phase out its programs. Apparently, most plants in Canada do not plan on waste disposal in first generation cycles, and it was stated that the Hare report, *The management of Canada's nuclear wastes*, provides no real answers.

The statement by the Canadian Coalition for Nuclear Responsibility was tabled (ANNEX C). Dr. Rothschild noted that he agreed in principle with the second and third recommendations. He believed that one of the problems in the Canadian decision-making process was the absence of opposing views and that he thought it could be healthy to include CCNR representation on EARP panels, for example.

But Dr. Rothschild was not inclined to agree with the recommendation regarding a moratorium, mainly because Canada might be forced to replace the nuclear power option with some energy forms less environmentally acceptable. If the arguments against nuclear power proliferation are proved erroneous, it would be difficult to recreate a whole group of expertise after a period of stagnation.

He reviewed the problem of radioactive contamination of houses in Port Hope. Internationally accepted standards were applied and a cleanup program initiated. But surveys across Canada indicated that many homes could not meet the criteria because of the incidence of natural radioactivity. Therefore standards are so stringent and safe that in many cases background levels exceed them. Dr. Rothschild granted that we do not yet know all we should about health hazards related to radioactivity but pointed out that neither do we know enough about many other toxic materials.

The Madoc issue, which involved the Geological Survey of Canada in collaboration with AECL and Environment Canada, was described. The objective was simply to validate the concept of geological waste disposal. The attempt even to conduct the experiments was opposed by public interest groups, even though the interest at Madoc was merely to examine the concept. It was admitted that this study was commenced without adequate public knowledge.

The probability of accidents admittedly increases with an increase in the number of reactors and over time. The suggestion that the CCNR produce a report illustrating the probability is one which arises at all inquiries but is considered to be an irrelevant argument by CCNR.

It was suggested that the Department of Environment is not emphasizing strongly enough the need for a thorough study of energy alternatives which would be required to make a proper evaluation of our future. The question of risk was raised, in that people tend to accept personal risk, such as that from smoking, but not the risks imposed by nuclear plants, and it was felt that this matter required some analytical study.

The recommendations contained in the brief by the CCNR were approved without objection by the public interest group representatives, and the CEAC was urged to bring them to the attention of the Minister of the Environment.

iii)*Growth of toxic wastes in Canada*

The Chairman introduced Mr. Ed Carey, Chief, Hazardous Wastes Management Division, Environment Canada, and asked him to introduce the topic. Mr. Carey read the following statement:

"At present, the management of hazardous or toxic wastes on a national basis throughout Canada is not acceptable. In all geographic regions in Canada, some more so than others, hazardous wastes are being handled and disposed of in a manner that endangers public health and/or the environment.

Hazardous wastes are generally those discarded materials in solid, semi-solid, liquid or gaseous forms which would require specialized waste management techniques because they may cause or contribute to adverse acute or chronic effects on human health or the environment when such wastes are not properly controlled.

As the control of discharge of hazardous wastes to air and water becomes more effective, more and more of these wastes will be disposed of on land. The jurisdiction for controlling the disposal of hazardous wastes in or on land has always been considered to rest with the provinces and territories. However, the degree of hazardous waste control being exercised by the provinces and territories is variable and nowhere totally satisfactory. The variability is caused, in part or in total, by a lack of appreciation of the dangers of hazardous wastes to human health or the environment, and/or by economics, and other factors such as past experiences, differences in capabilities of the various regulatory agencies and lack of policies covering these matters.

It is estimated by the Environmental Protection Service that at least 32,000,000 metric tonnes of industrial wastes are being generated annually in Canada (excluding agricultural, mining and pulp and paper wastes). Based on U.S. studies, three percent or approximately 1,000,000 metric tonnes of these are regarded as toxic or hazardous and require specialized handling and disposal consideration. Based on U.S. Environmental Protection Agency projections, these amounts are expected to grow 45% by the end of the century. Also based on these same studies, it is estimated that approximately 10% of the hazardous wastes in the U.S. are currently being adequately treated or discharged. The percentage of hazardous wastes to be reclaimed and reused should significantly increase over the next two decades, although the amount of residual wastes which will be discharged to land will still be in excess of one-half of the total hazardous wastes generated. It is estimated that environmentally sound disposal practices may double disposal costs which presently range from about $10 to $40 per tonne for land disposal.

EPS has begun to develop a plan of action that will ultimately result in better control on a national basis of hazardous wastes. The first phase has already begun. We have started a series of discussions with

provincial, municipal and other levels of Government that hopefully will result in a consensus on measures to provide a means to control hazardous wastes and delineate the roles of the various levels of government in this activity. In addition, EPS has begun to define the problem by conducting surveys of the kinds and quantities of hazardous industrial wastes being generated in the various regions of Canada. Work is underway in the three Prairie Provinces, the Northwest Territories, the northwestern part of Ontario and in the Province of British Columbia in the Vancouver area. It is planned to continue these inventories next year and expand it to other areas of Canada.

The data from the surveys together with the results of the discussions will be utilized in the development of joint policies on the handling and disposal, in Canada, of toxic and hazardous wastes.

In addition to the inventory work, the Branch is conducting research and development related to hazardous waste disposal, to generate data necessary to enable the writing of codes of practice and guidelines covering the selection of landfill sites, co-disposal with municipal refuse, soil waste interactions and the development of a soil/ waste interaction matrix, and guidelines on environmentally acceptable management systems for hazardous wastes."

The Canadian Environmental Law Association representative referred to the various control legislation documents available to the Department of Environment, e.g., the Fisheries Act, the Canada Water Act and other legislation, such as the Indian Lands Act (which incorporates provision for dumping) and that for other federal lands, such as National Parks and Military Reserves. The Atomic Energy Control Act deals with disposal of radioactive wastes. Licences to dispose of material are required but throughout there is no provision for public input or hearings. He observed that it is easy to identify specific sources but it is much more difficult to deal with, for example, contaminated run-off from farm land. He viewed the Environmental Contaminants Act as an information-gathering tool rather than a regulatory document. It has discretionary powers only, and the Minister cannot force pollutors to provide him with information.

Pollution Probe observed that while the government seemed to have a good perception of the problem of toxic wastes, the general public was not very aware of this except through publicity by media and public interest groups. The groups are constrained in their efforts because of an inability to obtain or interpret technical information, they lack time and resources, and activism is often dispersed over a wide range of environmental matters. Some tended to act solely in a watch-dog role. It appeared that responsibility is unclear, resulting in much buck-passing in Ontario. More attention is paid to abatement than to source reduction, despite the fact that some companies have found it profitable to reduce wastes.

It was observed that there is no waste disposal method licenced in Canada other than to dispose of pure organic material. It is recognized that we generate great quantities of material which must be disposed of, but the public fear of exposure to toxicity prevents action - it is natural that we all would prefer the wastes disposed off elsewhere than in our own backyard. In the Vancouver area, studies are proceeding to determine the sources of the wastes entering the river. Yet the government seems reluctant to identify these sources and forcing or at least encouraging the industries or users to do something about it. Processes to reclaim or remove wastes can often be instituted at little cost. Priorities must be identified: to get rid of the most obvious and worst contaminants first seems to be the most practicable approach.

Mercury is one of the most difficult problems. Companies involved all admit discharging mercury since 1940 and claim the traditional right to do so. It is extremely costly and dangerous to dredge and dispose of the sediments around Montréal.

Mr. Carey said that EPS has a task force set up to examine the mercury problem. We may be able to prevent the discharge of mercury in the future, but the greatest danger is that which is already there. The Department has no solution whatever to offer at present.

The "Pollutor pays" principle was discussed. There are two alternatives: for the government to carry out the clean-up and bill the company; or require the company to do the work. It was asked if a company which polluted innocently could be held liable retroactively. If the company can be shown to have been negligent, it should be liable for damages, but no case has yet been proved to force the issue.

Mr. Carey felt that we are still at the first stage of toxic substances control. While recognizing the synergistic effects of nuclear compounds, he suggested that the main effort should be to deal with the dozen or so heavy metals, or compounds such as PCBs, and then tackle the more complicated. The program is severely constrained by funds and manpower and thus must determine certain priorities. Dr. Hall, on the other hand, proposed that the authorities should base their policies on ignorance rather than on knowledge. He believed we have enough common sense and sufficient knowledge to know that these chemicals are not beneficial. If we accept these suspicions, we should work out policies and priorities on this basis. It will take decades to proceed step-by-step. If we are unsure, we should err on the side of prudence, and prohibit manufacture and use.

Citizens groups can be effective as demonstrated by the discovery and advertisement of lethal toxic wastes being spilled into the Athabasca River by the Great Canadian Oil Sands company, and measures instituted to ameliorate the situation.

Guidelines are being developed to incorporate safety factors. The public is generally unable to comprehend the technology and thus has a fear of it, compounded by experience and distrust. There is no such thing as a leak-proof liner or a fool-proof technology. The inadequacy of the Contaminants Act was criticized, it being suggested that government lacks the power to ban future hazardous chemicals. Codes or guidelines have little relevance to actuality. Though legislation may exist, industry is far behind, and exemptions from the regulations for political or economic reasons are too common.

A resolution respecting toxic materials (ANNEX A) was tabled and accepted unanimously.

8. EFFECTIVENESS OF GOVERNMENTS ON ENVIRONMENTAL PROBLEMS

Ms. B. Olivastari took the chair and invited responses to the question circulated by the CEAC:

> *How well have the policies and activities of the federal, provincial and municipal governments of Canada during the past five years served to protect or enhance the quality of Canadian and world environments?*

Council asked in posing this question that consideration be given both to successes and failures and to the growing changes of public opinion and values, in order to help identify those policies and activities that are promising and practical, in the light of Canadian political, economic realities; and those policies which appear to be ineffective or counter-productive.

A number of statements were read, some of which generated discussion. It was claimed that both federal and provincial guidelines are being contravened and that the regulations appeared to have no teeth in them. Participants urged that governments must examine their interest in encouraging public participation in environmental decision-making, and pointed out that public interest groups are beginning to withdraw from activity because of the feeling that governments are not inclined to listen or take action.

Council was asked to ensure that the briefs be made an integral part of the report of the meeting (ANNEX C).

9. FUTURE MEETINGS

Dr. Garigue took the chair. The public interest groups representatives were unanimous in urging that Council continue to support future meetings, which they considered were becoming increasingly valuable. Dr. Garigue replied that Council is sympathetic and would give as much support as possible, but that Council considered that these should not be a permanent arrangement, and that future meetings must be at the discretion of the Minister.

The public interest groups appointed an ad hoc steering committee composed of François Bregha, Cliff Stainsby, Jean Poulin, Dana Silk, Daniel Green and Bea Olivastari, naming Bregha as the liaison with the CEAC.

Ms. Cernat remarked that the Department wishes to make information available to public interest groups, noting that some 80,000 requests are received annually. It would be of mutual benefit for the NGOs to exchange material which they produce. Mr. Savard reported that the periodic *Citizens Bulletin* is intended to provide public interest groups with notices of reports, regulations etc., and may be used as a channel for information amongst ENGOs. He asked for contributions and suggestions on how this newsletter might be improved.

ANNEXES

SECOND MEETING

ANNEX A - RESOLUTIONS AND RECOMMENDATIONS

ANNEX B - AGENDA

ANNEX C - BRIEFS SUBMITTED BY PUBLIC INTEREST GROUPS

ANNEX A
SECOND MEETING

RESOLUTIONS

I. Funding of public interest groups

A proposal for the funding of public interest groups submitted by the CEAC to the Minister of the Environment for Treasury Board approval should include the suggested uses to be made of such funding and suggested means for the allocation of the funds. The public interest groups wish to be involved in the preparation of this funding proposal.

To prepare a proposal acceptable to the public interest groups and the CEAC, the ENGOs request their steering committee, working together with the CEAC, to draft a proposal based on suggestions made during the two meetings, including the Pollution Probe suggestions on fund management; to circulate the draft proposal to the ENGOs and to the CEAC for comment; to prepare an amended proposal for submission to the Minister of the Environment.

Because of the high priority given this, the ENGOs request that the completed proposal be submitted to the Minister of the Environment no later than February 28, 1978.

II. Information service respecting toxic substances

Be it resolved that the Minister of the Environment make available a telex-based information service (similar to the CAN-OLE system used by libraries) for:

i. dissemination of information concerning the proper methods of disposal of specific chemical substances with respect to type, amount and concentration; and

ii. location of disposal sites or contractors capable of properly handling specific toxic substances for their correct disposal.

III. Future meetings of public interest groups

Finding these meetings increasingly valuable, the public interest groups urge the CEAC to support future meetings, though not necessarily as a permanent feature of the Council.

RECOMMENDATIONS

The Canadian Coalition for Nuclear Responsibility urges that CEAC deliver three recommendations to the Minister of the Environment.

1. The Department of the Environment should vigorously advocate an indefinite moratorium on the construction of any nuclear facilities in Canada, pending the completion of a full public inquiry into Canada's nuclear policies at the national level. Such a moratorium is now in effect in Germany, and has recently been advocated by the President's Advisory Council on Environmental Quality in the United States. During the moratorium period, investment dollars which are now earmarked for nuclear construction could be more advantageously invested in energy conservation measures and solar heating for new building, along with industrial cogeneration where needed.

2. The Department of the Environment should take the initiative in setting up a series of technical seminars dealing with specific aspects of nuclear policy which have significant environmental implications, such as Reprocessing, Waste Management, Reactor Safety, and Uranium Mining. In addition to AECL and AECB, these seminars should involve members of the independent technical community in Canada, prominent critics of nuclear power from other countries who have demonstrated technical competence, and representatives of public interest groups in Canada. Such seminars, which could be jointly sponsored by Environment Canada, MOSST, AECB, would be very useful in clarifying the technical uncertainties surrounding this complex and controversial technology.

3. The Department of the Environment should recommend that Canadian public interest groups be represented on such bodies as Atomic Energy Control Board, National Energy Board, the Board of Directors of Atomic Energy of Canada Limited, and the various Environmental Assessment Panels which may be constituted from time to time in response to proposed nuclear developments.

Seconded and approved unanimously by the participating public interest groups.

PLACE VINCENT MASSEY
HULL, QUEBEC

ANNEX B
SECOND MEETING

A G E N D A

MONDAY NOVEMBER 21 1977	1. Introduction	*Chairman:* Dr. Ian McTaggart-Cowan
	2. Welcome: Hon. Len Marchand Minister of State (Environment)	
	3. Statements by public interest groups	
	4. Review of action from the first meeting	
	5. Changing roles of citizens groups in Canada	*Chairman:* Mr. Herman Boerma
	6. Resources available to citizens groups	*Chairman:* Mr. Cliff Stainsby
TUESDAY NOVEMBER 22 1977	7. National environmental issues	*Chairman:* Dr. Ian McTaggart-Cowan
	i. Canadian energy policy	
	ii. Nuclear energy in Canada	
	iii. Toxic wastes in Canada	
	8. Effectiveness of governments on environmental problems	*Chairman:* Ms. Bea Olivastri
	9. Future meetings	*Chairman:* Dr. Philippe Garigue

ANNEX C
SECOND MEETING

BRIEFS PRESENTED AT THE SECOND MEETING OF ENVIRONMENTAL NON-GOVERNMENTAL ORGANIZATIONS WITH THE CANADIAN ENVIRONMENTAL ADVISORY COUNCIL, OTTAWA, NOVEMBER 21-22, 1977

Sierra Club, Winnipeg

Federation of British Columbia Naturalists

Community Planning Association of Canada

Canadian Coalition for Nuclear Responsibility

Pollution Probe

Zoological Society of Montréal

Canadian Nature Federation

Saskatoon Environmental Society

Sierra Club of Alberta

Ecowatch

Energy Probe

Newfoundland Natural History Society

IsFive Foundation

Ecology Action Centre

Canadian Environmental Law Association

SIERRA CLUB WINNIPEG GROUP
(On behalf of the Sierra Club of Western Canada)

FOR THE ENJOYMENT OF FUTURE GENERATIONS: ENVIRONMENTAL INTEREST GROUPS AND THE BATTLE TO STOP EXPLOITATION OF CANADA'S NATIONAL PARKS

The purpose of this paper is to evaluate the degree to which certain of the policies and activities of the federal and provincial governments have served to protect or enhance the quality of Canadian environments. Within this context, I have chosen to examine national parks because, in Canada, the national parks are the only institution which has any real potential for protecting extensive areas of wildlands in a natural state, and because the Sierra Club has a long history of action on behalf of such wilderness areas.

Briefly stated, our national parks are in trouble. Within the last five years a number of citizen groups in Canada have watched with varying degrees of horror and dismay as Parks Canada has permitted and even encouraged commercial interests to exploit the varied natural resources which are ostensibly protected in our national parks. I would like to give you a brief synopsis of some of the major issues which have emerged from our national parks during the past several years, and, in so doing, I wish to emphasize to you that, in nine cases out of ten, these types of concern have been made public only as a result of the initiative and efforts of a very small number of key public interest/environmental interest groups.

1. Sunshine

In June of 1976, following many months of secret negotiation, Warren Allmand announced that he had approved a long-term development plan for Sunshine Village, a privately operated downhill ski resort in Banff National Park. Expansion will increase the daily capacity from 2500 skiers per day to 6500, and plans call for a corresponding increase in the size of the parking lot (from 800 vehicles to 2000) and in the number of overnight beds (from 180 to 400). A number of issues have surfaced in the 18 months since Allmand announced his approval.

Parks for Tomorrow, and ad-hoc coalition of more than 20 public interest and environmental organizations, reacted to the proposal in these terms:

a. Present levels of downhill skiing have caused significant degradation, principally erosion, of the world famous Sunshine meadows. This impact will be intensified with the expanded development.

b. The public participation process used with regard to Sunshine was an example of tokenism in which the public were not involved in the planning stages or in structuring of alternatives. Rather, we were asked to comment upon a single development proposal jointly prepared by the concessionaire and Parks Canada. The final decision to go ahead was reached by the minister despite the fact that Parks Canada reports identified major environmental problems associated with the present levels of development.

c. The option to develop downhill ski areas exists in numerous locations outside of national parks. The province of Alberta has recently funded a multi-million dollar road construction project which will provide access to the $100 million downhill ski and recreation complex to be known as Assiniboia. This area, which is directly adjacent to Banff National Park will provide the downhill skier with all the facilities and social sphere which are a part of the sport.

d. Those who favor the Sunshine ski area expansion say that this is accepted by Parks Canada policy which states that the existing downhill ski areas in Banff and Jasper will be optimized. Policy does not, however, permit major expansion of the boundaries of any existing areas. This is what has been approved for Sunshine.

The Alberta Wilderness Association made these points:

a. Sunshine Village, Lake Louise, Mount Norquay and Marmot Basin ski areas are not designed to interpret the natural winter features of our national parks;

b. Rather, they are designed to provide the maximum amount of mechanised downhill ski travel to as many people as possible in such a way as to maximize the profits of the operators; and,

c. In performing this service for their relatively affluent clientele, they have lost sight of the basic purpose for which our national parks were set aside: the preservation and interpretation of natural features for the education and pleasure of all Canadians.

The National and Provincial Parks Association pointed out that

a. The only public meeting to discuss the expansion proposal was an informal open house in Banff, and was scheduled for the 17th of June - a mere 10 days after public disclosure of the plans; July 5th was set as the deadline for written comment.

b. This sort of bulldozing effectively eliminates the possibility of concerned individuals and groups offering anything but knee-jerk reactions.

c. An ultimate capacity of 1245 skiers per day was set in the 1965 official winter policy; this limit has already been overstepped.

Lastly, the Federation of Ontario Naturalists were concerned that

a. The Sunshine proposal preempts and inevitably compromises the present development of a new policy statement on recreation in national parks;

b. The proposals reflect no sensitivity for the natural environment but rather represent a callous attempt to pack in damaging numbers of visitors in order to maximize recreation and revenues;

c. The proposals were apparently developed in isolation from park considerations and were based on totally inadequate research;

d. The approval of the expansion is nothing less than an open invitation to all other ski areas in national parks to submit similar proposals.

2. Hay Cutting and Grazing

In the summer of 1977, following an extensive drought throughout much of Western Canada, the federal Cabinet granted permission to local ranchers to graze cattle and then cut hay on four sections of Waterton Park. In Prince Albert National Park four hundred tons of hay were cut and sold for $3 per ton. The Minister responsible for Parks Canada never publicly questioned these obvious violations of park policy. An ad-hoc coalition of national and provincial environmental interest groups reacted in these terms:

"In both parks the grasslands are critically important winter foraging areas for native ungulates such as elk and deer. In Waterton Park the approximately 700 elk and 500 deer already are compressed onto a minimum range and in winter often cause problems for nearby ranchers. Removal of park grass would have greatly worsened this problem. The consequences will probably occur in Prince Albert Park and its surrounding area this winter".

"Other species also use the grasslands. Many small rodents depend upon it for food and cover. Birds of prey and other predators feed on these rodents. Song birds nest and feed in the grass. Remove the grass and the food and home for these species is destroyed. The essence of what a national park is meant to be is destroyed".

3. Duck Hunting

Duck hunting has been practised in Point Pelee National Park since the park was established in 1898, despite the fact that this type of activity is in direct violation of official national parks policy, and possibly unlawful as well. A recent attempt by Warren Allmand, former Minister responsible for Parks Canada, to end duck hunting in Pelee was turned down by the federal cabinet, who were probably pressured to do so by Eugene Whelan and others.

4. Oil and Gas Exploration

There are no national parks in Canada or the United States which have been established to protect and preserve the prairie grasslands, which are one of this continent's major ecosystems. Although both the Saskatchewan Natural History Society and Parks Canada have had an interest in establishing a Grasslands National Park in southwestern Saskatchewan for many years, it appears that many areas which may contain significant park values will never be included in the park. In September, 1972, Saskatchewan Natural Resources Minister Ted Bowerman put forward the position of his government in these terms:

> "We feel that a national park may be proceeded with on the following basis. First, that the cultural and economic aspects of the local area-ranching for example - be an integral part of such a park. Secondly, that such a national park would allow for discreet multi-use of resources. Thirdly, that the mineral rights be retained by the province of Saskatchewan".

Mr. Bowerman obviously had no comprehension of the purposes or values of national parks. However, his concerns were met in part in the terms and conditions of the Memorandum of Intention for the Grasslands Park:

> "If a decision is made to establish a national park, detailed oil and gas explorations would be carried out primarily in the west block of the proposed park... Those areas found to have commercial reserves would be excluded from the park and immediately exploited by the province... "Lands containing known significant coal reserves have been excluded from the proposed park lands".

5. More Downhill Skiing

In August of this year it was announced that the federal Cabinet had decided to allow a private operator to expand the existing downhill ski facilities at Mount Agassiz, which is a privately operated concessionaire in Riding Mountain National Park. In a letter to the Minister of Indian and Northern Affairs, the Sierra Club (Winnipeg Group) stated its position in these terms:

"The Sierra Club (Winnipeg Group) is particularly upset with the recent decision to allow a private operator to expand the existing downhill ski facilities at Mount Agassiz, and the implications it has for the park planning process and particularly the role of public participation and input.

"The new Master Plan for Riding Mountain National Park was published less than six months ago and, as you know, involved the most extensive and expensive public participation programme yet undertaken by Parks Canada. The following statement is taken from the Master Plan, and is particularly relevant to our concern with the expansion of Mount Agassiz:

> Generally, the analysis of use trends, park resources and public input have resulted in the conclusion that *existing supplies of recreational facilities be maintained at current capacity levels*, with minor re-design and improvements where appropriate. (italics mine)

"We suggest that the proposed expansion is decidedly NOT a minor re-design or improvement of existing facilities. Consider the following:

-the proposed expansion will at least <u>double</u> existing lift capacity;

-the proposed expansion will double the area of impact of downhill skiing, and will open up another entire slope (presently wooded and in a natural state) to this type of exploitation;
-existing facilities are oriented towards, and designed for, family and/or recreational skiing; yet the only rationale for the proposed expansion is to provide facilities for competitive skiing for the 1979 Winter Games: in other words, the projected demand for the proposed facilities will last for exactly one season.

"This type of development is clearly not a minor re-design or improvement.

"Our comprehension of the purpose and intent of the Master Plan and our analysis of the proposed expansion of Mount Agassiz leads us to one conclusion: that the new Master Plan for Riding Mountain was completely ignored by the Minister in his decision to allow expansion of Mount Agassiz. We are therefore left with a number of rather unpalatable corollories which we would prefer not to acknowledge as being true. It appears that the new Master Plan for Riding Mountain has no weight or credibility. It appears that the federal Cabinet cares not a tinker's damn for the integrity of the national parks, and even less for public opinion and public input into the master planning process. The credibility of the master plan for Riding Mountain has been seriously undermined, and with it the credibility of Parks Canada's committment to public input and public participation.

"At its recent Executive Committee meeting (October 29-30, 1977), the Sierra Club of Western Canada passed a resolution to the effect that the Minister responsible for Parks Canada be urged "to stand behind the Master Plan and prevent any future expansion of existing facilities at Mount Agassiz". On behalf of the Sierra Club of Western Canada, I urge you to also give careful consideration to the fact that recent decisions at the Ministerial and/or Cabinet level have, in our opinion, effectively emasculated the Master Plan for Riding Mountain and the credibility of the entire Parks Canada public participation programme. We hope that you will have enough courage and conviction to uphold the Master Plan and prevent the proposed expansion of Agassiz, and promise you our full support in any attempt to do so.

"We also urge you to look beyond this specific example and take note of our concern that recent decisions from the office of the Minister and/or federal Cabinet have allowed and even encouraged commercial interests to exploit the national parks, and that such exploitation is clearly contrary to the purpose and intent of the National Parks Act and Policy. We again hope that you will have the courage and conviction to take whatever action is necessary to maintain the integrity of all our national parks, so that they will be left "unimpaired for the enjoyment of future generations", and again promise you our full support in any effort to do so".

6. Mercury Pollution National Park

In the summer of 1976 Judd Buchanan, then Minister of Indian Affairs, and Donald Irvine, Ontario Secretary for Resources Development, proposed that a new national park be established on the English-Wabigoon River system in Northern Ontario. The Wabigoon is one of the most polluted rivers in Canada: some 20,000 lb of mercury were dumped into its waters in the period 1962 to 1970, and it has also received countless tons of pulp wastes for many many years.

The National and Provincial Parks Association raised several issues in its reaction to the proposed park:

> "In his public statement on the matter, Irvine referred to 'a national park on the English-Wabigoon River System as part of a solution to problems created by mercury contamination of the waters'... Buchanan expected that development of a national park in the area 'would play a significant role in helping to meet some of the economic and social problems of the Indians'... To promote a national park as a handy institution for federal land management to aid in solution of economic and social problems is an affront to the very philosophy of national parks".

The NPPAC also pointed out that they had been assured by Buchanan that

> "the park will not be established unless the area proposed is worthy of preservation. Presumably this decision will be made on the basis of a feasibility study now being undertaken. And so we have it: announcement of intention to establish a park followed by a study to see if a park is justifiable".

7. Park Boundaries

The existing boundaries of Kluane National Park represent a compromise between park values and mining interests. In 1975 three environmental interest groups (CNF, FON and NPPAC) made an appeal to other national and provincial organizations and to the Minister of Indian and Northern Affairs in which they provided considerable evidence to suggest that the northern boundary of the park ought to be altered so as to include the range of the mountain caribou in the Burwash Uplands. The rationale for the proposed change included the following points:

> a. The Uplands Region contains significant park values: the caribou range, other mammals, tundra-nesting birds, a unique large, relatively level piece of tundra, all of great beauty with a backdrop of high mountains and icefields adding unique features to the Park and furthering the original objectives as stated by the Government that the Park preserve an adequate representation of the North Coast's Region's natural wonders.

b. The region is being marred by semi or unregulated mining activity, with irreparable damage through the initiation of thermokarst processes.

c. The one major mining venture in the area was an economic failure.

d. Additional geological surveys have not delineated additional mineral significance, and existing "hard rock" claim owners have demonstrated by their inactivity that they hold their claims only on speculation.

Summary

By now you will have realised that there is considerable evidence to suggest that recent policies and activities of the federal government, as expressed through a number of recent decisions by the federal Cabinet and the Minister responsible for Parks Canada have not done much to protect or enhance the quality of our national parks. The national parks are a special type of Canadian environment and a global resource, and, as I mentioned earlier, the national parks represent the only institution available to us at present which has any real potential for protecting extensive areas of wildlands in a natural state. In an attempt to improve and rationalize the performance of this institution, a number of citizen environmental interest groups have raised the following criticisms as issues in the public forum:

-that many of the decisions made by Parks Canada, and many of its recent activities, are a direct violation of its own policy;

-that decisions to expand recreational facilities or allow duck hunting or allow cattle grazing or allow cutting and removal of hay in our national parks reflect no sensitivity for the natural environment and will have a negative impact upon park resources;

-that no opportunity has been given for effective and meaningful public participation into the decision and policy making process, including the master planning process;

-that there are many places outside of the national parks which are well suited for large-scale outdoor recreational developments;

-that the new policy statement on recreation in national parks has been preempted and compromised by expansion of recreational facilities;

-that Parks Canada appears to have lost sight of the most important reason for its existence: to preserve and interpret the natural features of the national parks for the education and benefit of present and future generations of Canadians;

-that many of the actors in the political arena, particularly at the provincial level, have no comprehension of the purpose and value of national parks;

-that many areas which have obvious and significant park values have been lost to us because they also contain minerals or other non-renewable resources;

-that certain areas which have no park values are promoted as potential national parks because to do so may provide economic and social benefits to the inhabitants of the area;

-that many of the decisions which will affect park management or policy are made on the basis of inadequate research or, worse yet, are made in spite of research which would suggest a different decision;

-that the office of the Minister responsible for Parks Canada is not doing an adequate or proper job of acting to preserve the integrity of the national parks;

-that the office of the Minister responsible for Parks Canada is not publicly questioning or criticising the federal Cabinet when the latter makes decisions and/or policies which are not in the interest of the national parks, or which are a violation of the spirit and intent of the National Parks Act and Policy.

Points to Ponder

In keeping with the purpose of this paper, which is to present a number of issues before you as a basis for discussion and hopefully action as well, I will now pose to you a number of questions based upon the foregoing statements:

How can we ensure that the values of wildlands and associated wildlife are not lost to us forever through mismanagement, misunderstandings and improper, inadequate or inappropriate legislation and policy?

How can we be effectively involved in processes of policy formulation and decision-making?

How can we be most effective in our attempts to educate the public, our own members, and civil servants and elected government officials to the need for and value of a healthy national parks system?

How can we improve the output of the political process as it affects Canadian and/or global natural environments?

FEDERATION OF BRITISH COLUMBIA NATURALISTS

In response to the request for a statement of concerns from the delegates:

The Federation of British Columbia Naturalists is a low profile, non-activist organization that is presently more involved with environmental issues than ever before in its existence. With this involvement comes a series of frustrations and concerns that relate many times to the lack of communication between government departments and between levels of government, making it mandatory for volunteer environmental groups to expend precious time and energy monitoring many of the issues.

The ongoing waste of money on repeated surveys and studies duplicate in many instances the previous study (e.g., the Nidalmikal-Surpinton River study). One plant should have been implemented years ago, thus releasing multiple dollars for this project and the implementation of mandates of the study.

Action on the part of the federal Fisheries department in regards to the Fraser River estuary occurred only when the environmentally concerned groups protested the activities occurring there and the lack of action on the part of the Department, once again monitoring of government departments by volunteer groups.

The Vancouver International Airport has had multiple engineering reports done on it with little or no consultation with fish and wildlife, lands department of the environment on all three government levels. The impact of major change concerns all aspects of the environment; government departments tend to overlook this fact!

Legislation should be improved in many areas, most particularly the A.T.U. Act. Although B.C. is in the midst of a change, this is a very positive move. The federal government should form some guidelines in order to have continuity through the provinces. At the moment this lack serves only to remove the teeth from the legislation now there and makes it unenforcable at times. Policing vast areas of open rangeland is virtually impossible - the onus falls on the wrong shoulders, making good land management an impossible task. How can a rancher be accused of overgrazing his leased land and abusing the regrowth potential, when at the same time unlicensed motor vehicles are running back and forth over the same piece of land causing more erosion and soil disturbance in a few hours than cattle cause in a lifetime?

An area of good intention and poor or impossible management are the Ecological Reserves Acts and the Conservancy Act. Both good basic ideas - their problem being large areas in mountainous country making them impossible to manage. Both Acts need thorough study and extended funding. If this were done, they could become useful viable Acts that should serve the purpose for which they were intended.

On the same provincial level, funds such as the second century fund should be greatly increased. The moneys are not sufficient to make the purchase of reasonably large tracts of land in areas that require protection. As pieces of land become available, there should be a way of reimbursing the owners at the current market rate. We should no longer be in the position that the protection of specific areas occur only at great personal cost to a few for the good of all. In many instances areas that are protected by the owners for years must be sold due to heavy taxation. With a lack of funding for protection these lands often go to developers.

As the public sector of society becomes more aware of their changing environment, there is a greater concern, and thus a great need for accurate, factual information to be made available. There have been so many grave errors made in society development that now fear of the unknown is one of our biggest enemies. In areas that involve human health, there should be easily understood, factual pieces of data made available to all those that are directly concerned, e.g., Afton mine, the present study that is being done on the impact that the smelter is going to have concerning heavy metal pollution.

The Federation is concerned with the Federal Parks department and their attitude toward the Northern Parks. We feel that there should be a buffer zone connecting and protecting areas on the perifery of the parks that are environmentally and ecologically important. This would protect these areas and cushion the impact on the parks themselves.

Another area of serious concern is the need for a monitoring of the Highways Departments. There is a lack of a mandate for environmental repairs; damage along the highways is a severe problem.

Our last concern is the need for funding. The Federation is a volunteer group being taxed physically beyond their capability. If these groups are to continue to be the Government's conscience, there must be some kind of financial support, to help pay lawyer's fees, time off for the members fighting an issue, or just part-time clerical help and a space to store all the data collected.

COMMUNITY PLANNING ASSOCIATION OF CANADA (NEW BRUNSWICK DIVISION)

How well have the policies and activities of the federal, provincial and municipal governments of Canada during the past five years served to protect or enhance the quality of Canadian and world environments?

Not very well at all. Although some progress has been made, it is often negated by quantitative increases in the problems and decreases in the time left to implement solutions. Generally speaking, the public appears much more receptive to a transition to a conserver society than present government policy acknowledges. In any event, the paramount necessity of forging this transition should be recognized in government policy at all levels.

The following is a sampling of notable successes and failures by governments in dealing with environmental planning issues.

MUNICIPAL

Successes	Failures
litter campaigns	waste management
Norwich schemes	public transit
"beautification" programs	city planning
	heritage conservation
	public participation

PROVINCIAL

Successes (partial)	Failures
environmental impact studies	pollution control
Environmental Council	transportation
	land use planning
	heritage conservation
	industrial development
	energy planning
	public participation
	forest management

FEDERAL

Successes	Failures
Berger Commission	EARP process
NIP/RRAP programs (CMHC)	regional disparity
Heritage Canada	energy planning
New Alchemy Institute's Ark	public participation
P.E.I.'s Institute of Man and Resources	forest management
	native rights
	HABITAT follow-up
	coastal planning

CANADIAN COALITION FOR NUCLEAR RESPONSIBILITY

STATEMENT ON NUCLEAR ENERGY

For the last two years, even since its creation in 1975, the Canadian Coalition for Nuclear Responsibility has been calling for a full public inquiry into Canada's nuclear policies at the national level. At that time, the Indian explosion and the Port Hope situation had already seriously damaged the credibility of Canadian nuclear authorities, who had been negligent and secretive in both cases. Many very serious unresolved questions having to do with the safety and the desirability of nuclear power as a long-term energy source were being systematically ignored by our political leaders, despite a growing tide of informed opposition to nuclear development throughout the world.

In the interest of public accountability and sound decision-making, and in order to avoid the spirit of confrontation that marked the nuclear debate in so many other countries, the CCNR urged the government to establish a public inquiry mechanism which would allow for responsible, informed debate on the hazards and benefits of nuclear power developments in Canada. The Government of Canada has not yet agreed to this very reasonable request, despite the backing of four provincial premiers, two distinguished generals of the Canadian Armed Forces, the Liberal Party's own policy committee, the leaders of both major opposition parties, and many tens of thousands of Canadians throughout the country.

The case for an inquiry is now stronger than ever. Financial mismanagement within Atomic Energy of Canada Limited has become obvious. The proven inadequacies of the Atomic Energy Control Board offer little reassurance that standards of safety designed to protect the public from harm will be properly conceived and administered. International safeguards intended to prevent the military application of Canada nuclear technology are know to be unenforceable. Important information having to do with the reliability of critical CANDU safety systems is being deliberately withheld, not only from public interest groups, but also from the Royal Commission on Electric Power Planning in Ontario. The fiasco at Madoc Ontario has cast serious doubt on the technical and political competence of AECL to conduct a safe and sensible program of nuclear waste disposal. Acceptable procedures for safeguarding uranium tailings have yet to be articulated, and the detailed considerations involved in fully decommissioning a nuclear reactor at the end of its useful lifetime have not yet been addressed. Nuclear security is woefully inadequate, and the reprocessing of spent fuel, with all its attendant risks, is being ardently advocated by AECL. Before proceeding with any significant expansion of Canada's existing nuclear facilities, elementary prudence demands that these risks and uncertainties be thoroughly and publicly scrutinized, since a mistake in anyone of these areas could prove to be extremely costly and perhaps irreversible.

The CCNR member groups are proud of their role in bringing these important problems to public attention. We feel that they have amply demonstrated the value of citizen participation through their involvement in the Cluff Lake Board of Inquiry into Uranium Mining in Saskatchewan, the Porter Commission on Electric Power Planning in Ontario, the Hearings of the Quebec Parliamentary Committee on Natural Resources, and the Prince Edward Island Legislature's "Energy Days", not to mention several well-referenced briefs which they have submitted to the Government of Canada. In all of these activities, the CCNR has taken a positive and constructive approach by pointing out that the need for nuclear electricity has been greatly exaggerated and that alternative energy policies can be implemented which will cost less, create more jobs, and give quicker relief to our energy problems. Accordingly, we are now calling for a temporary moratorium on the construction of new nuclear facilities in Canada, coupled with a direct diversion of funds from nuclear construction projects into energy conservation, industrial cogenerations and solar heating in new buildings. The need for such a moratorium has been cogently argued in our May 1977 brief to the Prime Minister, entitled "Time to Stop and Think", a copy of which is attached for your information. However, a few words on the alternative energy scenario which the CCNR is proposing would seem to be in order.

It is only in recent years that attention has been focussed on the end-uses of energy rather than the supply of energy. The picture which has emerged is a very revealing one. Here in Canada, almost 69% of our energy budget goes to provide heat, and most of that (about 40% of the total energy budget) is used for low-temperature heat; that is, heat <u>below</u> the boiling point of water. Thus a very large chunk of our energy consumption goes into space heating and water heating. The rest of our heating needs, at intermediate and high temperature ranges, are reserved for cooking and for industrial processes.

Another 23% of our energy budget in Canada goes into our oil-based transportation system, dominated by the private automobile. So between them, heating and motors account for 92% of our overall energy use. The remaining 8% is what we have called "necessary electrical". This 8% includes all electrical lighting, all telecommunications, all electrical motors (including home appliances as well as heavy industrial drive), all electrochemistry, electrometallurgy, electric arc-welding, electric smelting, and electric transportation. In fact, this 8% includes <u>all</u> uses of electricity <u>except</u> low temperature heating applications!

It is generally acknowledged that electricity is an exceptionally high-quality and expensive form of energy which is best reserved for those premium uses to which it is best suited -- and this does <u>not</u> include low-temperature heat applications, which are thermodynamically wasteful. The Science Council of Canada has published an analysis by Amory Lovins which indicates that, if electricity were reserved for that 8% of our energy needs to which it is best suited, we would need no new electrical generating capacity in Canada until well into the 21st century. The only justification for a large scale nuclear program, therefore, is the mistaken belief that nuclear electricity provides a suitable substitute for oil in the areas of heating and transportation. At the present time, it seems

that low-temperature heat applications are the most likely area for this kind of substitution to take place. In Quebec, for example, about 80% of new housing is being built with electrical resistance heating installed, and with inferior standards of insulation.

Throughout Canada, we are building a generation of energy-inefficient buildings which we are going to have to live with for the next fifty years. According to the American Institute of Architects, a concerted effort in the direction of producing energy-efficient buildings in the U.S. could save more energy between now and 1990 than nuclear power could possibly produce in that period of time. Specifically, they are calling for a nation-wide program to ensure that new buildings are constructed to very high standards of energy efficiency and that the existing U.S. housing stock be upgraded at the rate of 7% per year. They point out that such a program would cost less money, create more jobs, and give quicker relief from energy problems than any program of expanding supply to provide the energy that would otherwise be needed. These observations are even more valid in Canada, where the potential savings are that much larger.

In addition, it is now recognized that solar heating is technically and economically viable today in Canada for new buildings. No one seriously disputes this for larger buildings such as multi-unit dwellings, and in fact there are several solar-heated multi-unit senior citizen residences now under construction in Canada. What is less well known is that solar heating for single-family dwellings is also economically attractive, as proven by the eleven solar homes which have been built by Mr. Nick Nicholson in the Eastern Townships of Quebec. These homes derive from 60% to 80% of their heating needs from the sun (including water heating), with a backup system which is in some cases a jøtal wood-burning stove and in some cases electrical heating. It is important to note that Mr. Nicholson's homes use only off-peak electricity, (that is, night-time electricity), to heat the solar storage area, which in turn heats the house during the day. According to our preliminary calculations, this use of off-peak electricity implies that Canada would not need any additional electrical capacity to meet home heating needs for at least fifteen years, even if all new housing were 60% solar heated with electrical backup. During this period of time, the prospects for achieving 100% solar heating are excellent. Once again, investments in solar create more jobs than similar investments in electrical generating facilities. Last year, solar heating firms in the United States did 8 billion dollars worth of business.

Such a program of energy conservation and solar heating in new buildings is clearly desirable, but it will require a substantial diversion of investment funds. This can be done by means of capital transfer schemes similar to those advocated by President Carter in the United States. According to one such scheme, public utilities would act as banks to finance insulation and solar energy projects with capital that would otherwise have gone into the construction of nuclear power plants or other large scale generating facilities. It is interesting to note that the public utilities can expect a much faster payback of their invested capital in such a program than they would normally achieve in the field

of electricity generation, thus alleviating their cash flow problem. After five or ten years of such investment, the capital will have been recovered and will be available for re-investment, either in more energy conservation, more solar energy, more nuclear power plants, or industrial cogeneration.

Industrial cogeneration is an attractive idea which is being implemented in Germany, parts of the U.K., and some of the United States, such as New Jersey. The idea is a simple one. Many industries require process steam; indeed, process steam is a very big chunk of the high-temperature energy needs of Canadian industry. Since steam is being produced anyway, why not install a small turbine so that the steam can be harnessed to generate electricity before being utilized in the industrial process? The cost of installing a kilowatt of electrical capacity in this way is less than half the cost-per-kilowatt of nuclear electricity, and the potential is very large indeed. In the United States, the Thermo-Electron Corporation (principal contractor to the Federal Energy Agency on cogeneration) estimates that 76,000 megawatts of cogeneration capacity could be installed by 1985 in the U.S., at a more leisurely deployment rate than would be involved in any corresponding nuclear program, and at less than half the cost. (The lead-time for installing such facilities is very much shorter than the ten years of so required to bring a nuclear reactor on-stream).

In the transportation sector, electricity is unlikely to play a significant role before the 21st century. Indeed, the pre-feasibility study on liquid fuels from biomass undertaken by Environment Canada would seem to indicate that the production of methanol on a sustainable basis is closer to being technically and economically viable than the widespread use of electrical propulsion systems. This deserves much more investigation, but has only a minimal bearing on nuclear policy at the present time.

In conclusion, then, the CCNR believes that a moratorium on new nuclear facilities in Canada would be advantageous from several points of view. Firstly, it would allow time for a thorough public review of Canada's nuclear policies so that we are not rushed into making multi-billion dollar commitments which turn out to be ill-advised and/on disastrous. Secondly, Canada can play a leadership role in helping to prevent the reckless proliferation of nuclear military capability which is now taking place on a worldwide scale. Thirdly, our nuclear establishment will have a breathing space in which to try to arrive at more satisfactory solutions to the safety and security problems which will inevitably plague nuclear development in the future. Fourthly, it will give Canadians an opportunity to divert investment capital from nuclear construction into energy conservation and solar energy, which is known to be a better investment at the present time from many points of view. Fifth, it will keep our options open, since a five-year program of "conserver society" energy policy will allow us to guage the potential of such an approach in meeting our future energy needs. If Amory Lovins is right, he may well find that we do not need nuclear power at all; but if we do need it, we can still go back and build more nuclear reactors after the moratorium period has expired if we find that we have to. Sixth, the potential for industrial cogeneration guarantees that we need not fear being starved

for electrical energy, even under the worst scenarios, because of a nuclear moratorium. And seventh, the impact of the conservation scenario on the Canadian economy will be less inflationary and better for jobs than the currently projected nuclear expansion program.

As the American Institute for Architects points out, there is very little chance that the conservation scenario will be implemented without a deliberate large-scale diversion of funds from other energy programs. Nuclear power, being more thoroughly subject to Canadian control than any other energy technology in this country, is the logical area from which to draw the needed funds. On the other hand, if massive nuclear construction goes on in Canada and if AECL succeeds in spending 1.5 billion dollars on advanced fuel cycle research (i.e. reprocessing), then it is difficult to see how such a conservation scenario could even be attempted, because the money just won't be there.

RECOMMENDATIONS

The Canadian Coalition for Nuclear Responsibility urges the CEAC to deliver three recommendations to the Minister of the Environment.

1. The Department of the Environment should vigorously advocate an indefinite moratorium on the construction of any nuclear facilities in Canada, pending the completion of a full public inquiry into Canada's nuclear policies at the national level. Such a moratorium is now in effect in Germany, and has recently been advocated by the President's Advisory Council on Environmental Quality in the United States. During the moratorium period, investment dollars which are now earmarked for nuclear construction could be more advantageously invested in energy conservation measures and solar heating for new building, along with industrial cogeneration where needed.

2. The Department of the Environment should take the initiative in setting up a series of technical seminars dealing with specific aspects of nuclear policy which have significant environmental implications, such as Reprocessing, Waste Management, Reactor Safety, and Uranium Mining. In addition to AECL and AECB, these seminars should involve members of the independent technical community in Canada, prominent critics of nuclear power from other countries who have a demonstrated technical competence, and representatives of public interest groups in Canada. Such seminars, which could be jointly sponsored by Environment Canada, MOSST and AECB, would be very useful in clarifying the technical uncertainties surrounding this complex and controversial technology.

3. The Department of the Environment should recommend that Canadian public interest groups be represented on such bodies as Atomic Energy Control Board, National Energy Board, the Board of Directors of Atomic Energy of Canada Limited, and the various Environmental Assessment Panels which may be constituted from time to time in response to proposed nuclear developments.

REFERENCES

"A Study of Inplant Electric Power Generation in the Chemical, Petroleum Refining, and Paper and Pulp Industries", Thermo Electron Corporation report to FEA, PB-255-658 and -659, NTIS, May 1976.

R.H. Williams, "The Potential for Electricity Generation as a By product of Industrial Steam Production in New Jersey", Report to N.J. Cabinet Energy Committee, Princeton N.J., June 1976.

Amory Lovins, *Soft Energy Paths*, Ballinger 1977.

Amory Lovins, "Toward and Energy - Efficient Future in Canada". *Conserver Society Notes*, Science Council of Canada, Spring 1976.

Amory Lovins, "Energy Strategy: The Road not Taken", *Foreign Affairs*, October 1976.

"Time to Stop and Think", CCNR brief to Pierre Trudeau, May 1977.

Hollands and Ongill, "The Potential for Solar Heating in Canada", University of Waterloo, February 1977.

Nick Nicholson, *Solar Catalogue*, available from Mr. Nicholson at RR#1, Ayer's Cliff, Quebec.

"Energy Conservation: The Key to Resolving the Notion's Energy Dilemma", American Institute of Architects, December 1975.

Alternatives, Fall 1977 - Whole Nuclear Issue.

David Brooks, Gil Winstanley and R. Erdman - Some Energy Scenarios for Canada 1975-2025 (Long term energy group. EMR).

POLLUTION PROBE (TORONTO)

Suggestion on Fund Management

These comments are suggestions, designed to encourage the CEAC members to think about aspects of the fund that will effect the fund's usefullness to the NGOs. These comments are for discussion purposes, and are not intended to be the "definitive work" on environmental group funding.

Objective of the Fund:

-to aid environmental NGOs across Canada to effectively fight environmental issues.

Criteria for Fund Organization

-it will in no way encourage inter-group hard feelings.

-judgements must be "fair", and must be "seen to be fair" regarding all aspects of monies allocation.

-projects funded should of an assortment including local, provincial and national issues.

Suggested Regulations:

-grants should enable projects, and should not be for core funding; this way no groups will be dependant only on the fund for their existence.

-projects funded must have advocacy or action as their reason d'être: "research for the sake of research" is not fundable.

Suggested Guidelines

-projects should be funded based as much as possible on the quality and relevance of the ideas and concept; the history and structure of the organization is of secondary importance.

-funding should include both "reactive" and "initiating" projects.

-funding should be enough to support qualified people for enough time to do a good job: no "half funding" should be granted - the grantee should get the full amount requested, or nothing.

-generous overhead allowances should be given in recognition of the fact that many groups do not have copying services, direct lines for telephoning, and many other amenities necessary for "efficient operations": these services must be purchased on an "as needed" basis. (Note: this is not in conflict with the concept of no-core-funding because many existing groups do operate without all the trappings of "modern Office life").

-grants should be made in situations where the work will result in the development of an "expert", there are not enough experts willing to work for a public interest group for all projects; hire one: time for learning will often be built into the project, and should be recognized.

-grant sizes should have no minimum (as long as requests are not cut in size and then "filled"): their maximum size should be that which is enough to support two people for one year, cover their direct overhead expenses, and publish and publicize their results.

-the wage rate should be flexible so that groups can hire knowledgable people who have financial/family committments.

Suggested Administration Procedures

Criteria for the granting decisions should be made clear, and publicized far in advance.

Decisions on grant applications should be made and the money distributed within one month of the deadline for applications.

Decisions on grant applications should be made by a group including representatives of: business, industry, academics, and environmentalists: these should come from all parts of Canada - east, west, north and south.

Grants should be made at least twice per year, at regular and defined intervals.

ZOOLOGICAL SOCIETY OF MONTREAL (CONSERVATION COMMITTEE)

In answer to the question concerning the activities of the federal, provincial and municipal governments in respect to protection or enhancement of the quality of Canadian and world environments:

The Conservation Committee of the Zoological Society of Montréal is concerned about the following points:-

(1) Urban development:

Urban development is relentlessly encroaching on the surrounding countryside. Valuable natural habitat is often destroyed forever. It would seem desirable to preserve such areas and make them into protected areas (parks) where wildlife can flourish undisturbed and where it can be observed and studied. Whilst it is true that there are certain such areas near Montreal (Mont St. Hilaire, Bird Sanctuary in Philipsburg), more such areas are needed.

(2) Preservation of wildlife in the country:

The Society is greatly disturbed by the attitude of the Government vis à vis the seal hunt, and has made its position known last spring. There is no need to elaborate on this here.

(3) Preservation of wildlife in the world:

The Society feels that in this area all efforts to prevent certain species of whales from becoming extinct, has had very little impact. The Society wishes to point out that the Canadian government is in the position to make a significant contribution towards the preservation of several species of whales, in that the Gulf of St. Lawrence forms a unique habitat and breeding ground for belugas and other whales. This area should receive government protection which would ensure continued growth of the whale population.

(4) Education:

The society would like to see the development of a programme of environmental teaching in the schools, in order to stimulate interest in the preservation of the natural beauty of our country and in the maintenance of environmental balance.

In this respect the establishment of a Museum of the Environment in Montreal would be extremely valuable. The Society thinks that such a project would be quite appropriate at the present time, since it would provide work for a considerable number of unemployed young people. It is furthermove suggested that the site of Man and His World would be quite suitable for a Museum of the Environment, since it would allow for housing different aspects of environmental interest (wildlife, aquarium, ecology, etc.).

CANADIAN NATURE FEDERATION

The Canadian Nature Federation has as one of its main aims, the protection of wildlife and wilderness. We seek this protection in many ways but certainly a primary avenue is through support for national parks in Canada.

We have presented our views concerning park and wildlife issues on several occasions, including appearances before the Standing Committee on Fisheries and Forestry about Bill S-4 (the act to amend the National Parks Act). Representatives of the CNF have presented briefs at the public hearings of the Mackenzie Valley Pipeline Inquiry calling for the establishment of a Canadian Arctic Wildlife Range in the northern Yukon. We commented extensively on the proposed for a Grasslands National Park and quite recently with the National and Provincial Parks Association on the master plan for Kluane National Park.

Unfortunately, since the time the Honourable Jean Chretien ceased to be Minister for Indian and Northern Affairs, the integrity of our national parks has been degraded. During the terms of office of the Honourable Judd Buchanan and the Honourable Warren Allmand, certain national parks have been eyed for exploitive uses such as hay cutting, proposed cattle grazing, and plans for major recreation and industrial developments.

In 1964 the federal government tabled a paper entitled National Parks Policy in the House. While not law, this document was to amplify the National Parks Act of 1930. It stated in part: "The basic purpose of the National Park system is to preserve for all time areas which contain significant geographical, biological or historic features as a national heritage for the benefit, education and enjoyment of the people in Canada". It continues: "Our most fundamental and important obligation in the administration of the Act is to preserve from impairment, all significant objects and features of nature in the parks". This is the very reason national parks were established.

Clarification of a policy does not initiate action. Our national parks department is faced with a challenge - to reconcile the increasing demands that growing urban centres place on our park areas, with the essential need for keeping our natural heritage intact for future generations. It is not meeting that challenge.

In Canada, national parks offer the major option for long-term maintenance of natural ecosystems and also for recreational uses associated with natural resources. Resource extraction and facility-oriented recreational developments can and do take place in almost all areas of Canada. We need these activities, but we believe that our national parks should be areas where all Canadians can experience and learn about the beauty and complexity of nature.

We need strong leadership in the fields of conservation and natural resource protection. Lately, we have been very disappointed. One of these disappointments was the approval this year, by Warren Allmand, of the proposed expansion of the recreation facilities in Sunshine Village, Banff National Park. New ski lifts will allow more skiers to take to the slopes in the 1970s and 1980s - but at what cost? The severe trampling in both summer and winter throughout a fragile alpine ecosystem will probably result in the destruction of unique plants. This in turn could set in motion an irreversible chain of ecological events. The fact that Parks Canada approved this proposal - a proposal supported by inadequate research and developed with no consideration for the park environment - serves only to strengthen the Nature Federation's conviction that we are dealing with a government department that is either unwilling or unable to follow its own policy guidelines. We can only assume that the Department's lack of political clout is a big reason for its ineffectiveness. Parks Canada's stand on duct hunting in Point Pelee National Park is a case in point. In late April, Mr. Allmand, in a letter to a local member of parliament, announced that duck hunting in the park would be terminated before the 1977 hunting season. However, the motion to end the duck hunting was defeated in Cabinet. Mr. Allmand attempted to soften the blow by promising $1,000,000 for the acquisition of an alternative duck hunting site but, past attempts to find a replacement area have been unsuccessful. How long can we wait?

Even wildlife threatened by extinction is not secure from Parks Canada's confused priorities. Canadian National Telecommunications have applied to construct two microwave towers in Wood Buffalo National Park, as part of an expanded northern communication system. One proposed tower location is less than six miles from a whooping crane nesting territory. The incidence, during migration, of bird strikes on tall towers is well documented. In the case of the whooping crane, an endangered species, that danger assumes monumental proportions.

By the late fifties the whooping crane population was at a drastically low level - close to 30 birds. Careful, dedicated and painstaking work by conservationists in both Canada and the United States helped to increase that meagre figure to over 100 in 1977. However, if the CNT towers are constructed, the work of 20 years could be severely jeopardized. The project will be subject to Environment Canada's Environmental Assessment and Review Process. But the very fact that such a proposal was even advanced, is yet another illustration of the small value government appears to place on wildlife protection.

It is a hard fight to protect the environment of our existing national parks. But it's an even harder job to create new park areas. It has taken 13 years for the Saskatchewan and federal governments to reach an 'agreement in principle' for the establishment of a Grasslands National Park. Even as the park assumes an embryonic form, its integrity is threatened. The federal government has guaranteed the continuance of cattle grazing, the maintenance of ranches and the construction of water storage reservoirs within the boundaries of the park.

For several years, Parks Canada permitted the grazing of domestic cattle in Prince Albert National Park. Recently haying was authorized for part of the park and several hundred tons were removed this year. Only complications arising from the allocation of grazing rights made impractical a Cabinet decision to allow grazing in Waterton National Park. If wildlife in national parks must compete extensively for food with herds of cattle, it will surely be the loser.

Of great concern to us is the precedent that would be established by such an action. If the use of the grass resource in a park is considered appropriate policy, then the same philosophy can be applied to other natural resource extraction activities such as oil and gas drilling and mining.

Canada is becoming an urban country. Those patches of land which we designated as "national parks" may soon be the only natural areas left to explore, enjoy and cherish. They must be protected now.

The machinery to carry out a comprehensive program of wilderness planning and protection exists. It is called Parks Canada. The Canadian Nature Federation hopes that 1978 will see a reversal of the trend towards development and exploitation of our national parks. The future of our national natural heritage is at stake.

SASKATOON ENVIRONMENTAL SOCIETY

It is impossible for us to list in detail "policies and activities of the federal, provincial, and municipal governments of Canada during the past five years" and to state an opinion on "how well these have ... served to protect or enhance the quality of Canadian and world environments".

The reason for this is that it seems impossible for a small voluntary organization to keep up even with reading the flood of policies and activities pouring out of the bureaucracies, let alone to try to judge the effects they have.

Some general feelings can be stated however. The measures taken seem to be of a mitigating nature, that is reducing the undesirable side-effects of certain developments to what are thought to be tolerable levels. Very little has been done in the area of regulating developments through technology assessment of the basis of their appropriateness. Also, the rules for our technological and industrial systems have become so complex that it is very doubtful that they can be enforced by human beings. Our whole industrial system has become a monster with a life of its own.

Further, with tough environmental regulations being applied in the developed countries, the transnational corporations seem to be quick to build their new facilities in areas like the Caribbean, Korea, etc., where pollution control laws may well be non-existent, lax or unenforced.

Regarding the real changes needed to stop the waste and overconsumption in our industrial society, not much direction and leadership seems to be forthcoming from governments. There are some encouraging noises emanating from various directions, but essentially development still proceeds as if nothing has changed. Tax incentives encourage capital-intensive over labour-intensive investments, large consumers still pay bargain rates for practically everything - capital, raw materials, energy, etc. - compared to small consumers.

Our accounting systems still count costs as benefits and keep adding them on to the GNP, giving us the illusion that we are getting better off while in fact we are getting worse off. External costs and environmental and social costs are still not taken into account. Discounting still makes short-term benefits seem to outweigh longrun costs. Penalties are not attached to the depletion of non-renewable resources.

There still is widespread ignorance among politicians and bureaucrats about the feasibility and economics of promising technologies such as - for example - energy conservation andsolar heating. As a consequence, policies are based on myths rather than on facts. The greatest reluctance to change seems to come from the entrenched establishments, both within and outside government.

At a time at which Canadian people seemed ready to accept the Berger recommendation to postpone northern pipeline development for a ten-year period, the government could have introduced incentives for energy conservation. Instead, it opted for the Alcan pipeline, leaving the intelligent observer to wonder who really controls this country, the Canadian government or the oil companies. And if the government is still in control, why did it choose to encourage investment in the pipeline over investment in conservation measures proven to be a much wiser investment in terms of net energy produced per dollar?

In summary, although some progress has been made in the form of pollution control laws and similar measures, not much real change seems to be initiated by governments. Fortunately, people are not waiting for government leadership and eventually it will have to follow the people.

SIERRA CLUB OF ALBERTA

INSTITUTIONAL BARRIERS TO CITIZEN PARTICIPATION

Many of the barriers to effective public participation are the result of the way in which the government is structured and in which it functions. In general, the decision-making process of either the federal or provincial government is highly centralized. Persons at various levels of the bureaucracy may make recommendations. These are passed up and filtered through the civil service hierarchy along a series of department heads and assistant deputy ministers of various grades to the deputy minister. He in turn recommends to the Minister what course of action should be taken. Passing the buck is a way of life - everyone along the line is afraid to make even a relatively simple decision, and so the issue often becomes stalled for months awaiting some decisive action.

The Minister, in turn, is seldom really well-versed in the field for which he is responsible. Positions change frequently in the game of cabinet roulette, and so the former Communications Minister suddenly finds himself in charge of Health or Environment. The easiest course of action for him is to take the advice of the deputy minister, who has usually worked in the same department for years, and "knows the ropes". The Deputy Minister may also, unfortunately, be more concerned with his department's self-preservation and aggrandizement than with defending the environment, enhancing the national health and welfare, or whatever his department's job is supposed to be.

Given this set-up, to many government officials public participation is perceived as nothing but a nuisance and a pro-forma routine to be carried out because these days it is expected, and public interest groups are noisily demanding more say. Public input suffers the same fate as input from the lower echelons of the bureaucracy: it must be compiled, summarized, and evaluated by the same people in the bureaucracy who came up with the idea originally. Their summary then must work its way up the hierarchy to the Minister, who may be busy trying to cope with several disparate and equally critical issues simultaneously, and has little time to study the merits of each, even if he should wish to do so.

Obviously, it is impossible for the Minister to meet with or respond personally to all the individuals and groups who would like to see him. Correspondence is usually delegated to another member of the bureaucracy, either a private secretary or someone elsewhere within the departmental structure. Communication is mainly from the bottom up and the outside in, seldom from the top down or the inside out.

Access to information is also impeded by the Official Secrets Act, which is applied indiscriminately to almost all governmental activity. A feeling of paranoia is engendered among civil servants because of the fear and actual threats of losing their jobs for divulging what might appear to an outsider to be inoccuous information. Members of the public have at best clandestine access to any level of the bureaucracy at any time during the process of decision making, and must contend constantly with bureaucratic secrecy and heel dragging, often over a period of years.

Although a Freedom of Information Act is badly needed, it can be no more effective than its administration. More decentralization of decision-making, greater public access to what is happening at all stages of the decision-making process, and a more open attitude on the part of the upper echelons of the governmental bureaucracy are all needed if public participation is to become more than an exercise in frustration and futility.

ECOWATCH (CORNER BROOK, NEWFOUNDLAND)

Protection of the air, water and soil components of the environment of Newfoundland and Labrador is the responsibility of the Department of Provincial Affairs and Environment, created by a Provincial Act brought into force on April 1, 1973. This Department has the power to establish and enforce standards of quality for air, waters and soil which fall under provincial jurisdiction. This Department also has the duty of ensuring that plans for the construction of all industrial or other establishments, liable to cause pollution of air, water or soil, be approved by this Department and be operated in such a manner as to limit pollution to the levels prescribed by the Department. The same regulations apply to provincial and municipal undertakings which involve pollution problems such as sewage disposal and treatment, waste disposal, etc. The Department also has the authority to monitor pollution levels which result from the operation of existing industries and to enforce measures which will control pollution levels.

However, there seems to be a considerable gap between the existence of the above powers and their exercise. Several examples may be cited in which standards of environmental quality either have not been established under this Act, or if they have, they have not been enforced.

Raw sewage is being dumped by the larger urban centres in Newfoundland. Plans for sewage treatment facilities are recognized as desirable but hardly practical at the present time. However, the installation of sewage treatment plants by some smaller inland municipalities has been completed and others are projected or under construction.

Manufacturing industries such as pulp and paper, cement, fish processing, and fossil fuel generation of electricity continue to add pollutants to air and water. Several of these are emitting pollutants at rates which exceed the Federal Government standards. For instance, the pulp and paper mill in Corner Brook will have to reduce the suspended solids in its liquid effluent by 90% to comply with the *Pulp and Paper Effluent Regulations* promulgated by Environment Canada in 1971. Negotiations are now in progress between Environment Canada and the industry involved

concerning compliance with Federal regulations.

In the matter of air pollution, in both cities in which pulp mills are in operation, the rates of SO_3 emission are such that the proposed standard for acceptable air quality of 0.8 mg/SO_3/100 cm^2/30 days is approached and often exceeded. This occurs throughout the year in Grand Falls but only during the winter in Corner Brook.

The cement industry in Corner Brook is suspected of exceeding the Cement Industry National Emission Guidelines, but even if this were proven, the manufacturer cannot be prosecuted for violation of the national guideline because it is not now enforceable by law in Newfoundland.

In the case of fish processing, the *Fish Processing Operations Liquid Effluent Guidelines* regarding permissable methods and amounts of waste disposal are not well observed, especially by smaller operators on the west coast of Newfoundland. Progress is expected in obtaining compliance with regulations but control action by government often appears to be on an ad hoc basis.

Air pollution resulting from the operation of the asbestos mining and processing industry in Newfoundland has been proven to present a serious health hazard to employees. In spite of anti-pollution measures adopted at the mine, widely accepted standards for air and water-borne maximum asbestos fibre counts have not been achieved.

In Newfoundland, the phosphorus reduction industry has been notorious for causing pollution problems. The phosphorus pollution entering the ocean has been controlled, but air-borne pollution in the form of hydrogen fluoride and silicon tetrafluoride has damaged vegetation in an area exceeding 77 km^2 in the neighborhood of the plant. The company claims that installation of scrubbers has reduced fluorine emissions but monitoring of air-borne pollution by Environment Canada during 1976 indicated that fluorine levels were still capable of causing damage to vegetation.

Ecowatch suggests that the Government of Canada take a more active role in urging the Provincial Government to enforce laws regarding environmental matters. We also suggest that the Federal Government give more publicity to Federal standards and also publicize how well each of the Provinces are meeting Federal standards in a comprehensive annual publication, dealing with all aspects of environmental quality.

It is recognized that adequate pollution control may be costly and may be beyond the resources of some industrial establishments. The possibility of closedown of such an industry, especially if many jobs are at stake, is too often used as an excuse for condoning continuing pollution. In cases of genuine need, consideration should be given to subsidizing the cost of pollution control from Provincial or Federal sources.

Our organization has encountered delays and even failure in attempts to obtain information from provincial government departments concerning projected policies and programmes which may have environmental impact. There appears to be a real need for greater freedom of access to information which citizens can use to reach an informed opinion on matters concerning the environment. Citizen groups concerned about environmental problems may find difficulty in determining which authority, Municipal, Provincial or Federal, has jurisdiction in a particular area, or which department of the Provincial or Federal Government to approach. For instance, in environmental areas involving human and animal health, what are the areas of responsibilities of the Departments of health, Environment, and possibly Agriculture. Consideration should be given to publicizing the organization, duties and responsibilities of government departments and providing ready access to full information regarding policies and the results of the implementation of those policies. Also, provision should be made for full consideration of citizen group complaints and suggestions, with legislation provided to ensure that such groups receive a full and impartial hearing. We further suggest that the Federal Government devise some means to support local Environmental Groups so that effective public awareness campaigns can be carried out.

ENERGY PROBE (TORONTO)

The following are some guidelines which are designed to assist in an evaluation of the Hare Report, a discussion paper on High Level Radioactive Waste Management which the federal government is expected to issue in the very near future. *The management of Canada's nuclear wastes*, Report EP77-6, 1977).

Research

1. Many people feel that there is inadequate information in the following areas:

    a. rock fracturing[1].
    b. potential damage to rock from high temperature[2].
    c. potential of water seepage in rock[3].

    Does the report recommend extensive research in these areas? How is it to be decided what constitutes adequate research? If research is called for, what recommendations are made regarding proposals for an expansion of nuclear power?

2. Given the above, if it is recommended that the Atomic Energy Control Board develop guidelines for disposal of waste, what is the time frame recommended?

3. The time schedule recommended by Atomic Energy of Canada Limited for the Program to Demonstrate Deep Underground Disposal has been termed "incompressible" by an AECL official. It calls for choice of a site by 1982, demonstration to begin in 1987, and full scale operation by about 2000. There is no explicit research component. How closely does this report ally with the AECL proposal?[4]

4. Does the report consider such questions as the funding of research and development?

Vitrification

5. Many people feel there is inadequate information in the following areas:

   a. chemical exchange between the glass and rock[5].

   b. mechanical stability of glass at depths of 1½ km.[6].

   c. effects of heat on glass[7].

   How does the report address these questions?

6. Does the report consider any other method of geological disposal other than vitrification? Does it make explicit whether disposal of non-reprocessed waste is considered?

Liability

7. Does the report consider such questions as liability in the event of an accident?

Reprocessing

8. In the event of reprocessing, does the report consider the questions of: greater volumes of waste; decay of higher actinides into plutonium; problems of higher actinides in low-level wastes[8].

9. Does the report acknowledge that reprocessing should not be judged on the basis of waste disposal alone?

10. How does the report reconcile the opposing criteria of site selection: away from populated areas for safe waste disposal, but near populated areas for labour for reprocessing facilities.

Public

11. Does the report address the question of access to information? Is it recommended that the public be allowed full participation in decision-making?

12. Does the report recommend a multiplicity of options?

Future

13. Does the report distinguish between the disposal of present radioactive wastes and the disposal of radioactive wastes under a greatly expanded nuclear program?

14. Does the report explicitly consider the question of retrievability of buried waste?

Energy Probe recognizes the need to safely dispose of present radioactive wastes. We wish to ensure that this is done with the greatest caution. The time-span over which the wastes must be kept from the environment is far beyond the experience or imagination of man, so we must be absolutely sure no mistakes are made. Does the Hare report reflect this degree of caution?

Notes

1. There does not appear to be adequate information on the extent of rock fracturing at extreme depths. Rock fracturing could lead to water seepage (See "Nuclear Waste Disposal: Can the Geologist Guarantee Isolation?", *Science*, 197:4303, Aug 1977).
2. A variety of effects of the radioactive wastes could lead to water seepage (See Brief to the Royal Commission on Electric Power Planning, CORP, 1977).
3. Water seepage could result in dispersal of radioactivity, or if heated, an explosion (See, *Science* above).
4. See Seminar: Proposed Canadian Fuel Cycle Program, Atomic Energy of Canada Ltd., February 1977.
5. See Brief to the Royal Commission on Electric Power Planning above.
6. Ibid.
7. The experiments carried out to determine leachibility used small amounts of aged fission products which did not produce significant radiation and/or heat. The effects of these are largely unknown (Ibid).
8. "Oxide Fuel Reprocessing and Waste Management", Amory Lovins, ECO #3, Friends of the Earth, April 1977.

NEWFOUNDLAND NATURAL HISTORY SOCIETY

I. Summary Statement - Enhancement

These recent measures by government are welcome steps in the right direction, i.e. they are promising and practical.

A. THE SYSTEM

(i) Increased staffing at branches concerned with protection and enforcement.

(ii) Development of new legislation re waste, pesticides, ATVs.

(iii) Conducting environmental assessments, impact statements, etc.

(iv) It seems that governments are beginning to realize the importance of environmental quality in terms of 1) recreation, 2) resource management, 3) culture, 4) aesthetics, etc.

B. PROTECTION AND ENHANCEMENT OF CANADIAN AND WORLD ENVIRONMENTS

(i) Energy -

(a) small amount of money directed toward conservation of energy and new/alternate sources is being well spent (Federal)

(b) Lloyds River Diversion postponement (Provincial)

(ii) Land & Water -

(a) Wild lands legislation (Provincial)

(b) Satisfaction with extending system of National and Provincial Parks in Newfoundland.

(c) Snowmobile and ATV regulations exist (Provincial)

(iii) Salmon - Five year restrictions are good (Federal)

(iv) Harp Seal - Encouraging (Federal)

II. Ineffective and Counter Productive

Government activities are, however, not completely adequate. Environmental issues <u>sometimes</u> lack the consideration and money they justly require.

A. THE SYSTEM

(i) Domination of decisions by the short term approach because mandate goes to next election only.

(ii) Decisions made in light of political repercussions.

(iii) Need for a system with more stability of personnel studying the problems.

(iv) Lack of sufficient communication between governments.

(v) Deficient public relations programme.

(vi) Slowness of some important decisions.

(vii) Provincial officials - giving out permits for exploitation without sufficient knowledge or even basic biology.

(viii) Museum - National Museum Floristic exploration worthwhile but went unfunded.

(ix) Canadian Wildlife Service - No real office here. No real funding to study our world famour bird colonies. Even location of many unknown. Exploitation as food or for feathers unexplored.

B. PROBLEMS CAUSING CONCERN

(i) Energy -

(a) Nuclear generation of electricity - mine tailings,
- fuel reprocessing,
- spent fuel disposal

(b) Hydro developments - present, future & past

(c) Transportation and energy

(d) Oil and Labrador coast protection

(ii) Land & Water -

(a) Land use - need for longterm policy, inventory

(b) Abuse of land by clear cutting, etc.

(c) Water and sewer systems - fast and dirty, - prevention of raw sewage dumping

(d) ERCO Fluoride & Phosphorus - deformity in rabbits

(e) ATVs - Laws need enforcement

(f) Roads - St. John's Arterial Road, - Wood cutting roads - wilderness destruction, - Unsightly gravel pits

(g) Parks - Lack of - especially adjacent to larger centers. - Province often unaware of what they have, e.g., rare plants

(h) Urban 'natural' habitat - shrinking and spoiled, e.g., - Long Pond Marsh, - Burton's Pond, - Mundy Pond.

(i) Litter - garbage, etc., in waterways in town.

(j) Paths for walking and cycling in towns.

(iii) Fishery

(a) 200 mile limit - foreign fishing - stricter surveillance, - much heavier penalties

(b) Arctic char - No quotas - Nain overfished

(c) Hamilton Banks - closed during spawning of cod. Feb., Mar.

(d) Trapfishery - use of larger mesh should be legislated

(e) Spraying against budworm and spraying of herbicides - by farmers (Fed. Dept. Agric.) by Hydro (Prov. Crown Corporation)

(f) Fish and Game regulations.

IS FIVE FOUNDATION

Here we are in Ottawa. We've each agreed that spending a few days talking with each other and with the government is in some way relevant to the work of the 35 or 40 organizations that we represent. But how is it relevant? Why are we here?

Some of us are here because we hope the visit will in some way, at some time, result in funding for the groups or issues we represent. Some of us are here because we have a specific issue we want to promote. Some of us came because we felt that meeting other people from other organizations and other parts of the country was a good first step in a process of learning and sharing. Some of us may hope to extend this process to include the creation of a permanent national organization.

Our organization is here because we think it is possible and necessary for all of us to find the answers to two important questions:

- What is our ideal conceptual and practical relationship as ENGO's, to the government?

- What is our ideal conceptual and practical relationship to each other?

Our feeling is that further discussion of networks, cooperative approaches to funding, permanent organizations, or national priorities, will be difficult until we have heard each other answer these questions. We need to know what we have in common. This may seem obvious, but it has, to a certain extent, been ignored in previous discussions and discussion papers.

The individuals attending this conference represent organizations with widely varied perspectives and areas of involvement. We feel that attempting to reach agreement on the level of current issues will achieve little unless we first establish our ability to reach agreement on a much more basic level.

We see the two questions above as a starting point. We hope that our attempt to answer them, from our perspective, will tell you something basic about us. We also hope that others will, by agreeing or disagreeing with statements we make, tell us something basic about themselves and their perspective.

Preface

We are speaking first to our relationship to government. In actual discussion it may be more sensible to deal with our relationship to each other first.

An Independent Stance

Environmental NGO's provide a valuable service to this country. Whether their actions take the form of confrontation with government, or positive action to promote understanding and change among large numbers of Canadians, ENGO's have been active participants in policy making and implementation. Whether specific groups confine their interests to the local community, to the special interests of their members, or to individual issues, they have been the agents of "fine tuning" for broad government policies. ENGO's have operated across the entire spectrum from initiating and promoting positive action to the obstruction and prevention of dangerous and harmful activities by government and other powerful sectors of our society. ENGO's have probably been most effective in moderating the effects of such activities.

While these efforts have been moderately successful in Canada, ENGO's have not achieved the success nor the recognition and stability attained by other social action groups within and outside of Canada. This is clearly illustrated by the lack of even the most rudimentary structure within the 'environmental movement'.

When compared to other socially active groups in our society we are most conspicuous for our lack of national impact; for our inability to establish or even discuss national goals; and by the fact that there are no formal lines of communication between ENGO's and government to legitimize input.

We disagree with the idea that we should deal firstly with a request for funding from the government and secondly with the need to remain independent. If we are able to come together in some cooperative effort, an integral part of this step should be the adoption of a clearly independent stance--a stance that puts the responsibility on us to perform our work responsibly and credibly and on the government to recognize the importance of the services that we perform.

We want to expand on Doug Miller's suggestions. We think it is important to consider the network supporting this stance as something more than a secretariat that possibly helps us to get grants. Although we have some problem with the words themselves, we feel that we should expand our horizons to include the conceptually more powerful formation of a 'trade association'. From this position we can explore the possibility of approaching the government on a fee-for-service basis.

-As a 'trade association' we could approach appropriate government departments with requests that special consideration be given to member individual or groups when outside contracts are being filled. Various departments regularly spend large sums of money to pay consultants to do work that we do for free and/or that we can do more successfully.

-If Special consideration is not acceptable, we can certainly compete on an equal footing. If we are able to effectively draw on our own and each other's resources we can fill certain consulting roles more successfully than others in the private sector.

(Both approaches above seem desirable even without considering income/support potential. Most 'environmental' groups would benefit by achieving greater credibility with government and the public in general).

-We can, as individual groups or as a network, pursue self-support through appropriate income producing activities. Some examples:

-Waste recycling/reprocessing.
-Manufacture of appropriate products (e.g. solar, wind, composting units, and so forth).
-Publishing and/or selling books, reports, etc.
-Agricultural/forestry services.
-Operation of direct educational programs for a fee.
-Offering services to other groups that we already operate for ourselves (information, printing, mailing, and so forth).
-Related 'fee-for-service' work.

(There are obviously many other possibilities).

-We can, as individual groups, support other participants in our network. For example, we can use and/or sell products, publications, and services offered by each other.

Common Ground/Joining Hands

Deciding what relationship we should have with each other is possible if we can identify the common ground that we share. If, after identifying what we share, we can see it as substantial enough to justify the effort, we can then explore the many practical avenues to cooperation. We feel that reacting to the following statements, by agreeing or disagreeing, is a sensible step. Can we agree:

-That working towards a conserver society, as we define it, is the common ground on which we all stand.
-That limiting involvement to those who share this direction and seeking the involvement of others not at this meeting is reasonable.
-That even though we are different groups with differences of opinion, we accept the need to put aside these differences and cooperate based on what we share.

For some of us, the ability to truly cooperate may be directly linked to the form this cooperation takes. For example, our organization would question the value of cooperating in the formation of an extremely centralized national organization that allowed us no opportunity to learn and share. Can we agree:

- -That the network we form cannot be an independent entity, or a separate voice--that it must be the life and the meaning that we, as its components, give it.
- -That this network, by its nature and structure, will in no way inhibit our ability to be the organizations that we are; that it exists, in part, to help us survive.
- -That the act of choosing, and being able, to work together, to truly cooperate, is at least as important as other goals we may jointly pursue.
- -That this network will not force us to be one voice, but will make it possible for us to respond as one wave of voices.

We have much to learn from each other.

ECOLOGY ACTION CENTRE

THE ROLES AND POLITICAL SIGNIFICANCE OF ENVIRONMENTAL PUBLIC INTEREST GROUPS

I. PUBLIC INTEREST GROUPS ROLES

A. Research

The usual starting point for most citizen group activity is the felt need for information on particular issues. Research on what information exists and the accumulation of this information in an accessible form is usually understood as a major function of the group. In other words, the group establishes an information centre. Sometimes the information sought and accumulated is general - for example, finding out everything on "pollution", or forest management. But frequently the group attempts to fill an information gap - to provide information from a different perspective, or to focus on "the other side" of an issue by digging up material which is often not readily available that is critical of some established viewpoint.

B. Informing and Educating the Public

A second role is the dissemination of the information collected - or, looked at from a human point of view, the education of various sectors of the community about particular issues, perspectives and values with which the citizen group is concerned. The starting point in this process is the learning which group members do themselves, and in this way the group usually develops their own experts and spokespeople who then carry the process further into the community.

Four key sectors which environmental public interest groups generally consciously attempt to inform are:

- the public at large,
- other groups such as churches or labour unions,
- the media,
- and decision-makers such as politicians and senior civil servants.

In our experience, some of our most effective work is in this area of bringing together people whose information values, or perspectives would not otherwise be in contact. It should be noted that when we inform the media people we do so in a personal manner and not attempt to use the media merely for its message to its audience. News reporters see issues differently depending on their own information and sympathies.

C. Political Action

Informing, educating, and talking with people can also be looked at as gentle components of the essentially political process of wielding or influencing power. At this level trust is developed between various interest groups and decision-makers. And this process leads to different results than would occur either through confrontation or lack of participation. Some citizen groups avoid involvement at the overtly political level, preferring to label their role as educational, but our feeling is that most environmental citizen groups now recognize that their roots are political. After all, the real starting point for most citizen or public interest groups is the feeling that a problem or issue exists which nobody else is properly looking after - that if something constructive is going to happen, it will have to be done by the people who perceive the problem themselves.

Explicit actions in the political arena include sponsoring activities such as public forums and other events, grass-roots organizing in its many forms, lobbying, writing letters to editors and politicians, all the way to staging boycotts and demonstrations.

In conjunction with these activities is the important but often ignored role of providing the social and emotional dimension of political action. By this we mean providing support for people who have a similar interest - an emotional and social base for common action. An accepting, supporting and trusting atmosphere where people learn and interact with each other can give individuals the chance to pursue an issue in much greater depth than can otherwise be done alone, and provide for greater effectiveness in action. It should perhaps be noted that whenever a citizen group is involved in an adversarial role, its opponents are usually quick to identify the social role the group plays as a dominant concern for group members ("these women who don't have anything better to do"). What is being ignored is the fact that affiliation with a corporation or agency provides exactly the same kind of support, and is considered legitimate - if it is ever identified at all.

II. CHANGING POLITICAL SIGNIFICANCE

It is our opinion that the political significance of environmental public interest groups is basically increasing, for at least four reasons.

A. Development of Democratization

Firstly, it is our perception that citizen groups as an institution are increasingly important in the further development of democratization. By this we mean that citizen groups are becoming an important vehicle for people trying to achieve greater control over many different areas of their lives. However, it is often not total control which people are seeking; it can also be significant input into the decisions which are affecting people's lives. This process of trying to achieve greater personal control or a voice in decision-making is going on in other sectors are well, for example, in the workplace where workers in many occupations are trying to improve safety conditions. However, most citizen groups are concerned with decisions specifically in the political sphere, i.e., decisions which affect the general public as citizens. Citizen groups in this role are thus becoming a vehicle for promoting decision-making within the larger political arena.

B. Creative Participation

Citizen groups can internally function in a manner which gives a greater opportunity for individuals to participate creatively. This occurance is largely due to the small size of the group. Even larger citizen organizations usually work through committees which facilitate this activity. Moreover, since citizen groups are, at least in principle, committed to effective work than to continuing their traditional organizational structure, there may be more freedom than in traditional political institutions to experiment with open, flexible, creative, non-hierarchial modes of structure. In other words, citizen groups can respond to new political values within their own organizations more easily than established institutions with greater inertia. This is particularly important in an era in which major political value shifts are occuring, for example, bringing values from the personal growth and feminist movements to bear on organizational structures.

C. Information Overload

A third and negative reason for the increasing political importance of citizen groups is the inability of our established political institutions, parliament and legislatures in particular, to cope with massive amounts of information required to make decisions in complex situations. Politicians are too busy to acquire a real familiarity on their own with the many issues they are required to deal with. The same can be often said for media people and bureaucrats. Methods of processing and digesting information, perspectives, and values are being developed on many fronts - the Berger Inquiry is one example - and in this capacity citizen groups are clearly playing a more and more important role.

D. "Counterweight"

Finally, it is our perception that the power and influence of citizen groups is increasing because they provide the beginnings of a political counterweight for ordinary people against the massive concentration of economic and political power in big corporations and big government. Of course, in this struggle, citizen groups are so much the underdogs that the term "counterweight" may seem extremely optimistic. Nevertheless, certain conditions are favourable to the increasing importance of citizen groups. One is the fact that virtually all citizen groups have non-profit structures; whatever vested interests such groups have, they are not essentially commercial or profit-oriented, and so in many situations they have greater credibility than opposing business interests. Also, citizen groups tend to tap the energies and creativity of people who are deeply committed and concerned about serious issues - and there is nothing like deep personal involvement in issues which are for the

benefit and wellbeing of others, not just self, to release personal energy and creativity. In our experience, these qualities of committment, energy, and creativity can make an impact out of all proportion to the size or economic backing of the group.

RE: PLANNED PROGRAMS vs. "REACTIVE" WORK

In response to Herman Boerma's feeling that planned programs are a better direction than "reactive" work, we agree with Herman on almost everything else he said, but not this one. We think both planned and creative reaction to both events and also "opportunities" are important. We think it is a matter of personal style more than anything; Susan Holtz personally feels too limited by programs; she is much more personally effective freewheeling, seizing opportunities as they arise, finding an unexpected handhold here and a toehold there, trying to make use of all that is happening. We truly do not think the possibilities of this style should be downplayed.

We feel that the nature of programs require a logical, limiting, here-to-there intellectual approach which is a pattern of thinking associated with the scientific or masculine (in the yang sense) style, and feel the latter's importance has been overvalued at the expense of other modes. Indeed, it has in our estimation wrongly acquired an aura of being the only legitimate approach. We feel our reactive /opportunity-seeking, intuitive style is especially effective in media work and at the level of personal contacts and lobbying.

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

(From notes by John Swaigen)

The *Environmental Contaminants Act* is more of an information gathering tool than a regulatory instrument. There is a sliding scale of concern.

S3(1). The Minister of the Environment "for the purpose of ascertaining whether any substances are entering or are likely to enter the environment" in amounts dangerous to human health or the environment *may* cause a notice to be published in the *Canada Gazette* requiring that *information* be furnished from persons importing, manufacturing or processing or intending to import, manufacture or process the specified substance.

S3(3). Where the Minister of the Environment or the Minister of National Health and Welfare *suspect* that a substance is entering or is likely to enter the environment in quantity that may constitute a danger to human health or the environment, either Minister *may* collect data and conduct investigations.

S3(4). Allows the Ministers to jointly appoint an *advisory committee* to review any data collected, receive representations from interested parties or concerned members of the public and to advise respecting control measures.

S3(5). Stipulates that an advisory committee shall make its reports and recommendations *public*.

S4(1). Where the Minister of the Environment *and* the Minister of National Health and Welfare have *reason to believe* that a substance is entering or will enter the environment they *may* take any or all of the following steps:

(a) cause to be published in the *Canada Gazette* (or in any other manner that the Minister deems appropriate) a notice requiring persons engaged in any commercial, manufacturing or processing activity involving the substance to *notify the Minister*;

(b) send a notice to any person requiring him to furnish information;

(c) send written notice to any person involved in the importation or manufacturing of the substance requiring the performance of *tests*.

S4(6). Sets out a mandatory reporting scheme where, during a calendar year, a person manufacturing or importing a chemical compound in excess of 500 kilograms for the first time *shall* within three months notify the Minister of any danger to human health or the environment.

S5(1). Where the Ministers (as above) *are satisfied* that a substance (or class of substances) is entering or will enter the environment and constitutes a significant danager to human health or the environment, they *shall*, before making any recommendation to the Governor in Council under S7(1), offer (no later than 15 days after the said Ministers are satisfied of the significant danger) to consult with:

(a) the governments of any provinces materially affected; and

(b) any appropriate departments or agencies of the federal government in order to determine whether the danger perceived can be eliminated by action pursuant to any other law.

S5(2). After consultation, or within 30 days if an offer to consult has not been accepted, and if the Ministers are satisfied the significant danger will not be eliminated by action under any other law, they *can recommend* to the Governor in Council that an order be made under S7(1) amending *the schedule* by adding the substance or class of substances and that regulations relating to the substances be made under any of paragraphs 18(a) to (e). A copy of the proposed order and regulations *shall* be published in the *Canada Gazette*.

S5(3). States that "any person having an interest therein" (and this phrase is *not defined* in the Act) may, within 60 days of publication of any proposed order and regulation in the *Canada Gazette*, file a *notice of objection* with the Minister.

In ascertaining the federal government's attitude towards control of toxic substances under the Act, we will return to the point in dealing with Chlorobiphenyl Regulations No. 1, the first regulation propogated under the *Environmental Contaminants Act* (which become law in December 1975).

The final level on the scale of concern is contained in S7(3). This deals with an *emergency* situation. Where the Governor in Council is satisfied that a substance poses a significant danger to health or the environment, he *may* make orders and regulations although no consultations have taken place (pursuant to S5(1)) and although the orders and regulations have not been published in the *Canada Gazette*.

This may be objected to within 60 days (S7(4)) by "any person having an interest therein" as per S5(3).

The obvious weakness in the Act from an environmentalist point of view is the complete breadth of Ministerial discretion in the control provisions. Even where the Act stipulates that the Ministers (of Environment and of Health and Welfare) are under a duty to do something, e.g., specifically establish an Environmental Contaminants' Board of Review (S6(1)) upon receipt of a notive of objection from "any person having an interest therein", there appears to be no guarantee of respect for the intentions of the legislation.

General Comments

Burden of Proof: While it is reasonable that objectors should usually have the burden of proof, public policy should require that the manufacturer of a substance which may constitute a health hazard should have to demonstrate the safety of its products, i.e., the greater burden should be on the party with the greatest access to information and the party which stands to gain the most in economic terms.

In the same vein, there should be more specific requirements for pre-production research to discover possible deleterious effects of new products, particularly in an Act the preamble of which reads "An Act to protect human health and the environment from substances that contaminate the environment".

The Act should be strengthened to sanction mandatory regulatory action once toxic substances are known. At present the broad discretion afforded the Ministers in the control provisions is such that one can have little confidence in the efficacy of the Act.

Public involvement is not adequate: publication in the "*Canada Gazette* and in any other manner that the Minister deems appropriate" is not sufficient to ensure public awareness. Speaking of Environmental Contaminants Review Boards and "any person having an interest" being able to file a "notice of objection" when the terms "notice of objection" and "person having an interest" are not even defined in the Act makes full and meaningful public participation difficult.

The public participation sections are:

> S4(4) where the Ministers of the Environment and Health and Welfare *may* appoint an advisory committee to review data collected pursuant to 3(1) and 3(a) and receive representations from interested parties and *concerned members of the public*. The formation of such advisory committees is discretionary and they do no more than *advise* the Ministers.
>
> S5(3) appears to be the only mandatory section allowing for public participation. It states that upon receipt of a "notice of objection" pursuant to S5(3), the Ministers *shall* establish an Environmental Contaminants Board of Review and S6(2) goes on to say the Board shall give the person filing the notice and *any other interested* or knowledgeable person a reasonable opportunity of appearing before the Board, presenting evidence and making representations to it.

The PCB story was the first attempt to use these public participation sections of the Act. The government's response was not encouraging.

It is worth noting in S6(5) that the report of the Board may be withheld from the public if the Board states in writing that the public interest would be better served by withholding publication and the Ministers (Environment and Health and Welfare) decide the report, in whole or in part, should not be made public.

S7 contains similar provision for a Review Board where under 7(3) the Governor-in-Council is satisfied immediate action is required and makes orders and regulations.

In telephone conversation (November 16, 1977) with Gordon Rosenblatt of Environment Canada (Technical Advisor, Environmental Contaminants, Environmental Protection Service, Ontario Region) he indicated:

- The *regulatory process* has only been invoked for PCBs; three more regulations are to follow.
- Rosenblatt indicates PBBs (polybrominated biphenyls) will be the second substance to be regulated.
- Mirex will be the third.

CANADIAN ENVIRONMENTAL ADVISORY COUNCIL

The Canadian Environmental Advisory Council was established in 1972 by decision of the federal Cabinet, to advise the Minister of the Environment on:

- such matters as may specifically be referred to it by the Minister;
- the state of the environment and threats to it;
- the priorities for action by the federal government or by the federal government jointly with the provinces;
- the effectiveness of activities of the Department of the Environment in restoring, preserving or enhancing the quality of the environment.

The Council is composed of up to sixteen members. It includes the Chairmen of the resource councils advisory to the Minister, plus members at large who serve in an individual capacity and are drawn from a wide cross-section of Canadian life and from all across Canada. Officials of the Department of the Environment are not members of the Council; however the Department provides a continuing Secretariat.

To carry out its functions the Council undertakes studies and reviews of matters of environmental concern and policy, holds regular meetings to consider progress and developments with regard to these concerns, and prepares comments, statements and reports as appropriate. The Council publishes an *Annual Review* which includes a summary of the state of the environment in Canada, and from time to time reports on other matters of general interest and importance.

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